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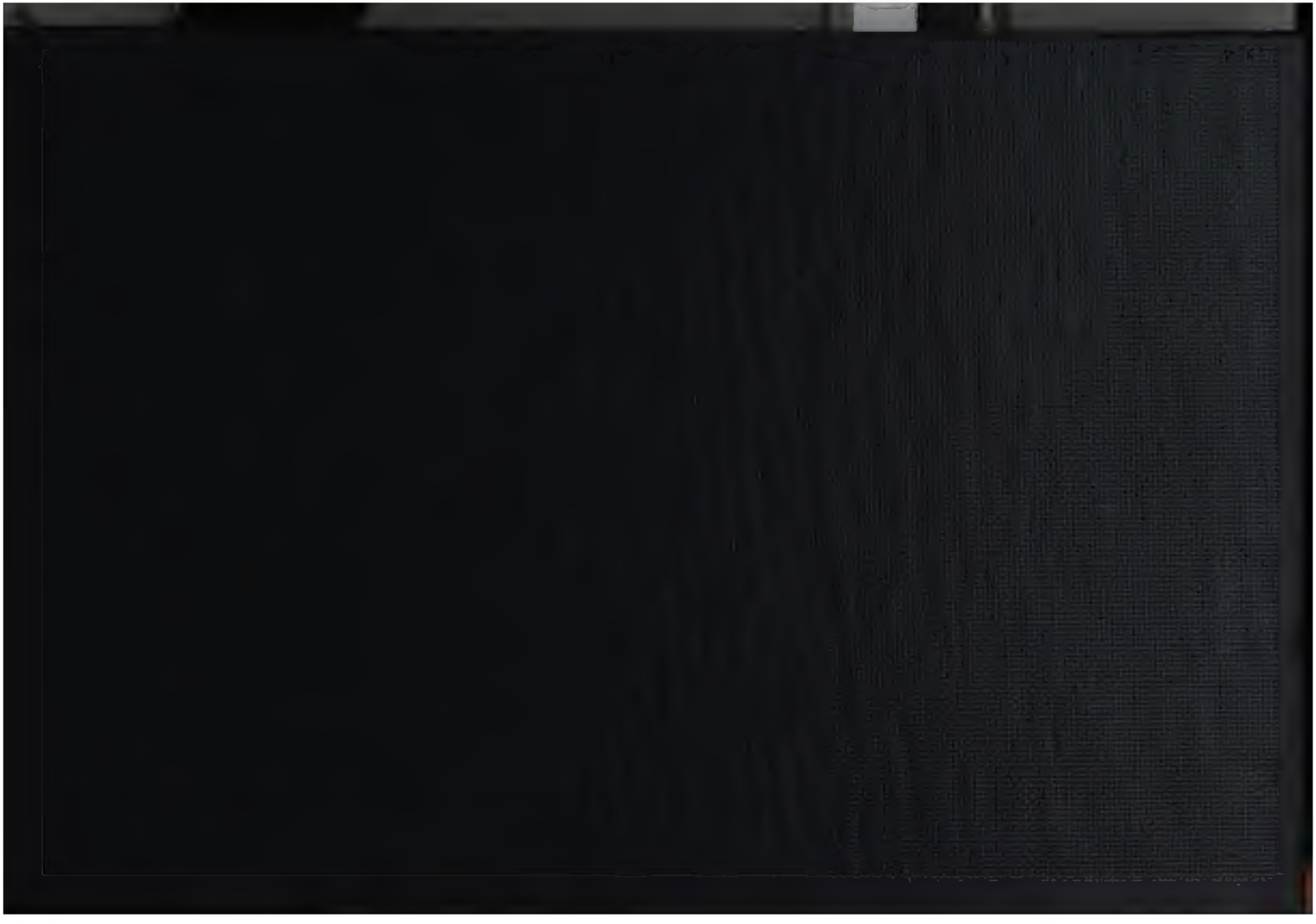

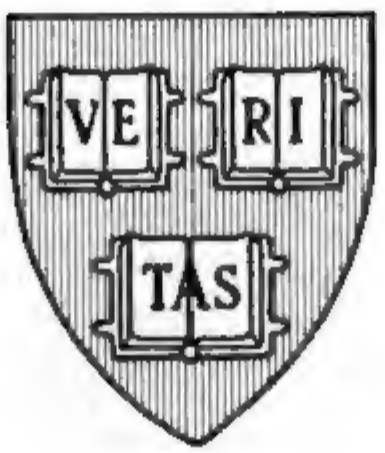

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SAMUEL W. McCALL

SAMUEL W. McCALL

GOVERNOR OF MASSACHUSETTS

SAMUEL W. McCALL
GOVERNOR OF MASSACHUSETTS

BY

LAWRENCE B. EVANS
OF THE MASSACHUSETTS BAR

With Illustrations

HOUGHTON MIFFLIN COMPANY
BOSTON AND NEW YORK 1916

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PREFACE

THE notable career of Mr. McCall, extending over more than a generation, is a sufficient excuse for this biography. As a member of Congress he was a participant in several of the most important discussions of questions of governmental policy which have ever occurred in our history, and his utterances, both spoken and written, were based upon such extensive knowledge and were characterized by such logic of thought and fitness of literary expression as will insure them a high place in our political literature. In the preparation of this book I have made large use of them and have embodied numerous extracts from them in the narrative.

It is a distinguishing feature of Mr. McCall's speeches in Congress that for the most part they deal with subjects of permanent importance and continuing interest. No public man of the present generation has been more earnest in his defense of the principle of our system of distributed power. On the one hand he stands for the largest measure of individual freedom, and against that undue centralization of governmental power at a single point which is so destructive of freedom; but on the other hand, in his liberal interpreta-

tion of the power of the Federal Government and in his opposition to measures which would hamper it in the execution of the functions which have been committed to it he belongs to the school of Marshall. When economic and social conditions in the country so change as to make alterations in the fundamental law advisable, he is ready to meet the new situation, as was shown by his introduction of an amendment to the Constitution empowering Congress to enact laws providing for uniform hours of labor.

In reproducing extracts from the "Congressional Record" I have been in some doubt as to whether I ought to retain the reporter's indications of "Laughter" and "Applause." Since, however, it was not Governor McCall's custom to revise his remarks for publication, as is done by some members who insert these indications of approval at points where in their judgment their hearers should have risen to the occasion, I have concluded to let them stand. They are a part of the story and as such have some historic value. I am the more ready to do this since I find that Governor McCall himself adopted this practice in his life of Speaker Reed.

LAWRENCE B. EVANS.

701 BARRISTERS HALL, BOSTON,
April 19, 1916.

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SAMUEL W. McCALL

CHAPTER I

CHIEFLY BIOGRAPHICAL

IN the early annals of Pennsylvania, the name of McCall occupies a conspicuous place. The identity of the enterprising immigrant of the McCall clan who deserted Scotland in order to try his fortune in the province of William Penn is not known, but the stock made a lasting impression in its new home. Peter McCall was a Justice of the Supreme Court of Pennsylvania and Mayor of Philadelphia. Samuel McCall, Jr., was associated with Benjamin Franklin as one of the incorporators of the University of Pennsylvania. Whether these men were members of Governor McCall's family cannot be determined, but the population of the colony was small, and the name of McCall was not a common one. Hence it is probable that all the McCalls of Pennsylvania were kinsmen.

Among those who fell at Brandywine in the War for Independence was Governor McCall's great-grandfather, who left a son, William, then

seven years of age. In spite of being thus early deprived of a father's care, the son grew and prospered, and his death, at the ripe age of ninety-five, was partly due to an accident. He took to wife a woman of that sturdy stock known as Pennsylvania Dutch, and her portrait, made late in life, shows that her distinguished grandson closely resembles her. One of the children of this marriage was Henry McCall, who was born in 1808. He married Mary Ann Elliott, whose father, Ennion Elliott, was High Sheriff of his county. Old residents of Chambersburg, the shire town, were long in the habit of relating stories of his industry in politics. Early in the morning he would set out on horseback equipped with saddlebags, and canvass the voters of his county. His wife, Susan Carver, who was a native of Maryland, lived to be almost ninety-nine years of age. In fact, Governor McCall came of unusually vigorous ancestry, since the average age of his four grandparents was about ninety.

Henry McCall and his wife were the parents of eleven children — seven sons and four daughters. The sixth in order in this goodly company was Samuel Walker McCall, who was born at East Providence, Pennsylvania, February 28, 1851. When he was two years old, his father was attracted by the opportunities offered by the

newer communities west of the Alleghanies, and he therefore abandoned Pennsylvania and journeyed down the Ohio River from Pittsburg to Cairo and thence up the Mississippi to Mount Carroll, Illinois, — a town not far from the Wisconsin line. Here he established his home. He was a well-to-do man for those days, as may be seen from the fact that he carried with him from Pennsylvania between eight and nine thousand dollars in gold. He invested in large tracts of land, which could then be bought almost at government prices, and also engaged in the manufacture of stoves, ploughs, and other machinery for the farmers. In this enterprise he was quite successful, but his credits were so extensive that the panic of 1857–58, which was the result largely of Buchanan's tariff policy, compelled him to close his factory. The county was then without a railroad, and the men who owned land very generally mortgaged it in order to secure the construction of a road. The enterprise failed, and the farmers who had mortgaged their land were compelled to take subscriptions for stock which was wholly worthless or to surrender their land. In common with the other people of the county Henry McCall suffered heavy losses in this way. Shortly after the outbreak of the Civil War, he moved upon a farm near Mt. Carroll,

and in this undertaking he prospered greatly and did much to restore his fortunes. It was doubtless his father whom Governor McCall had in mind when, in one of his early campaigns for Congress, he said in reply to his opponents, who dwelt much upon the fact that their nominee was a son of John A. Andrew, the great War Governor of Massachusetts: —

> With reference to this question of fathers, I have to say that we are not consulted in the matter. It may be a fine thing to have a distinguished governor for a father. I think, however, that some of us would not swap the fathers that nature gave us for all the war governors in the world.

The free and open life upon the Illinois farms during the middle decades of the nineteenth century made a profound impression upon the young boy Samuel. His father kept a large number of horses, and young Sam was frequently seen upon a horse usually without a saddle and sometimes without a bridle taking long rides over the almost unbroken prairies. The contest with the primitive forces of nature was still on. The Indian wars were close to them both in time and space. Towns were few and small. Government was not much in evidence. Men were subject to little law except "the natural law which is in one's own heart." Years afterward Mr. McCall spoke

with deep feeling of his recollection of his prairie home:—

There were neighbors on one side of us, and a great open prairie on the other. The fragrance of the wild flowers, roses among the rest, is with me yet. Barefooted, I walked through the native grass, which was so tall that it reached to my neck. I saw blue-racers and now and then passed the brown nest of a prairie chicken, which I only discovered when the hen rose behind me and beat a tattoo of retreat with her wings. The air was as transparent as plate glass and full of tonic and sunlight. I have loved the prairies ever since, but they are gone with some of the other joys of my boyhood. Now, if one goes to a sparsely settled region, he finds mountains, arid plains or forests.

It was doubtless due to the happy memories of this period of his life and to his actual knowledge of the conditions under which farmers live that later he became so impatient with the whining tone often assumed, particularly in legislative bodies, by self-appointed spokesmen of the farming interest. In a speech delivered in Congress in 1911 he said:—

According to his eulogists here, the American farmer is a very serious-minded individual, with his wife and numerous progeny gathered about him—and I observe that these eulogists usually bless him with a bountiful offspring—desperately and with great solemnity endeavoring to cling to a precarious existence. These orators

lament over his rugged qualities, they almost brood over his virtues, and as for his faults, he has none, for he is a being to whom it is impossible to sin.

Mr. Chairman, I have had some experience with the American farmer. I have seen him in his native lair. It was my great good fortune to live for a number of years in my boyhood upon one of those glorious farms in northwestern Illinois — a $200-an-acre farm, as the gentleman from Indiana called it — one of those prairie farms, not the flat farms that you have farther to the west, but where you have the billows of the prairie tumbling about you. One of those farms which, when they are under cultivation, present a scene of pastoral beauty and of fertility such as can scarcely be found anywhere in the world. I have seen farmers actually burn corn for fuel, as has been so dramatically stated in this debate. Why, it has been presented here, as if it showed the destitution of the American farmer and his straitened circumstances, that he actually burned corn for fuel. I have seen him burn corn. Sometimes he would overcrop with one grain and could not sell it profitably, but he was pretty sure to get even on some other grain; and instead of brooding over the burning of corn, more probably the farmer would sit cheerily smoking his pipe in the light of its blazing fire and his sons would rejoice that they did not have to chop wood. [Laughter and applause.]

The American farmer is not the sad-eyed monstrosity, always staring destiny in the face, that we have had painted here. The farmers, as I knew them, were a prosperous, independent, and happy race of men. I have known many farmers, and I have known some men even

on Wall Street, and I have made up my mind that they both belong to the same race, and that there is about as much human nature in the one class as in the other. I have sometimes thought that if the numbers were reversed and that if we had five million voters on Wall Street and only a few hundred farmers, our statesmen would sing the homely virtues of J. P. Morgan and his crew and would bestow upon them some of those lugubrious eulogiums of which the American farmer has been so long the patient victim. [Applause and laughter.] And their worst enemy could hardly wish them a harder fate.

Mr. McCall was but ten years old when the Civil War broke out — too young to participate in it, but old enough to be profoundly impressed by it. That impression was made all the deeper by the fact that two of his brothers enlisted in the army, and the family was thus brought into direct personal contact with the struggle. His interest in the war was further enhanced by the proximity of the two great leaders in the contest, Lincoln and Grant, who were in a sense his neighbors. During the most receptive years of his life, therefore, he was daily in the presence of events which confirmed and strengthened a natural interest in public affairs.

Mr. McCall's education was begun in the public schools of Illinois, but in 1864 he entered the Mt. Carroll Seminary, a boarding-school for both

boys and girls, which, however, about a year and a half later was converted into a school for girls, and its male attendants were compelled to seek educational advantages elsewhere. From one of their neighbors who came from New Hampshire, the boy Samuel had heard of an academy situated at New Hampton, New Hampshire, and he was so impressed by what was told him that he persuaded his father to send him to that institution. Early one Monday morning he was put upon a train and started for New Hampshire. That was a long journey in those days, and especially for a boy who had never traveled alone more than twenty-five miles from home. After running off the track and experiencing other adventures, he arrived at the school the following Friday night. Thus began, in 1867, his long connection with New England.

The contrast between the physical aspect of New England and the prairies of Illinois made a strong impression upon his mind. In the speech to which reference has already been made he said: —

> I not only saw agriculture in the West, but when I was a young boy my father sent me to New England to school, and I had an opportunity there to see how they farmed in New England. In the West a farmer could turn a furrow for a mile, if his farm went that

SAMUEL W. McCALL
AT THE AGE OF ELEVEN

far, without taking his hand from the plough; but in New England the farmer would urge his horse, and more often his oxen, for a few feet and then would have to turn out for a stump or stone. [Laughter.] He would try to select smooth little patches upon the hillside. While a New England hillside, with its alternation of little rye-fields and corn-fields and pasture and meadow and woodland, presents a very beautiful mosaic to the eye, it certainly is not favorable to agriculture. [Laughter.] And it was inevitable that under the adverse natural conditions and with the antiquated methods which the New England farmers employed they could not compete with the rich and fertile prairie lands of the West.

Mr. McCall remained in the academy at New Hampton three years. The instruction in that institution was unusually good. His teacher in Latin and Greek was George C. Chase, later President of Bates College, whom Mr. McCall regards as one of the very best teachers he has ever known. In mathematics he had Professor Rand, who for many years was head of the Department of Mathematics in Bates College. Dr. Meservey, the principal of the academy, an author of books and a famous teacher in his day, gave instruction in science. On Mr. McCall's graduation from the academy in 1870, he was made valedictorian of his class. The following autumn he entered Dartmouth with the Class of 1874.

Samuel W. McCall

A knowledge of the classics and mathematics was not the only, or even the chief, acquisition which Mr. McCall made at the New Hampton Academy. One of his fellow students at that institution was Miss Ella Esther Thompson, who in 1881 became Mrs. McCall. She was the daughter of Sumner Shaw Thompson, a native of Plymouth County, Massachusetts, where his ancestors had resided ever since the landing of the Mayflower. His business interests took him to Vermont where he established his home and made a reputation as a man of large affairs, extending far beyond the boundaries of his State. He achieved a remarkable success as a business man, being identified with the construction of railroads from his boyhood and becoming one of the best-known railroad builders of his time. He was also a banker and had large interests in timber lands in Vermont and Michigan. He left a well-earned fortune which might have been much larger except for his generous giving. He was a Republican in politics, and, while reluctant to hold office, was called upon at different times to render important public service. His wife, Harriet Stark Wiley, was from Maine, and through her Mrs. McCall is related to Admiral Peary. While Mr. McCall was in Congress, he was invited to speak on Forefathers' Day before the New England Society of

Philadelphia, and was introduced to the audience as a real Yankee from New England. He somewhat surprised his hearers by saying that he was probably the only person present who was a native of Pennsylvania. In speaking of the matter afterward, he said that they were somewhat disconcerted when they found that he had never seen New England until he was sixteen years old. But they were reconciled to the situation when he told them that he had married a Mayflower descendant; and as he and Mrs. McCall were the parents of five children, he could claim to be literally one of the "Pilgrim Fathers."

In the autumn of 1870 Mr. McCall began his studies in Dartmouth College. From his early boyhood he had been strongly attracted by Daniel Webster, and his mind first turned toward Dartmouth because that was Webster's college. He was unusually well fitted, and this, together with the ease with which he learned, enabled him to take high rank, especially in the classics. At graduation he was elected to Phi Beta Kappa, and according to the method of ranking used by that society, he stood second in his class which numbered a little more than sixty. Among his classmates who have since become well known were John A. Aiken, Chief Justice of the Superior Court of Massachusetts; Edwin G. Eastman, for twenty

years Attorney General of New Hampshire; Homer P. Lewis, Superintendent of Schools of Worcester, Massachusetts; Frank N. Parsons, Chief Justice of the Supreme Court of New Hampshire; Samuel L. Powers, ex-member of Congress from Massachusetts; Charles E. Quimby, a prominent physician in New York; and General Frank S. Streeter, a leading member of the bar of New Hampshire.

Although Mr. McCall took high rank as a student he also found time for other activities. He was a member of Kappa Kappa Kappa, a strong local society established in opposition to the intercollegiate fraternities. He was also much interested in debating. It was in his junior year that boating was introduced as a college sport. For some time there had been a regular college regatta on the Connecticut River at Springfield, in which nearly all the New England colleges participated. Dartmouth decided to join this association, and formed a boat club of which Mr. McCall was in turn vice-president and president. In his senior year he had charge of the Dartmouth crew in the intercollegiate regatta which that year was held at Saratoga. After his graduation he was made a member of the graduate committee of three chosen by all the colleges in the association and which had charge of the regatta.

SAMUEL W. McCALL
AT THE AGE OF NINETEEN

In the work of this committee he showed that independence of judgment which has been so characteristic of him throughout his life. The majority of the committee recommended that the next regatta be held at Saratoga, which was then a notorious gambling center, and this recommendation was adopted. Mr. McCall dissented and brought in a minority report in favor of New London. "So you see I began my career as a kicker and I have kept it up ever since."

As a student Mr. McCall was also much interested in college journalism. Some members of the Class of 1873 established the "Dartmouth Anvil," and Mr. McCall and some of his classmates were invited to seats on the editorial board. In his senior year, he became editor-in-chief of the paper, and among his associates were three men now known as Chief Justice Aiken, Chief Justice Parsons, and ex-Congressman Powers. In its general plan the "Dartmouth Anvil" was quite different from the current type of college paper. At present such a paper is expected to give the news of the college circle, but no effort is made to chronicle the happenings of the outer world. But in the "Dartmouth Anvil" there was little in the character of its news to indicate that it was a college paper. Any other paper published in Hanover might have been expected to

give as much attention to college affairs as did the "Anvil." In the main it was made up of the local news of Hanover and near-by towns, excellent summaries of the news of the world at large, able reviews of new books and extended editorials on the important happenings of the day. It was all treated, however, from the standpoint of a college student and was pervaded with the tang of college life. Its daring comments and cock-sure judgments could only have emanated from undergraduate circles.

The Governor of Massachusetts was the author of the following comment in the "Anvil" upon the achievements of the Legislature of New Hampshire: —

The State Legislature, after an unusually short session, has at length adjourned. Scarcely anything beyond the necessary work of a session has been attempted. To be sure, a zealous reformer offered a bill which recognized and to some extent atoned for the wrongs of the weaker sex, but our sturdy Spartan legislators refused to grant attention to a subject of such trivial importance, and voted it a place upon the table. A movement was made to appropriate $25,000 for the purpose of making a much-needed improvement upon the insane asylum, but the State was poor — so thought these rustic statesmen — and insanity was a human weakness, and the fostering of human weaknesses was n't good and great, and so it was wisely ordained that the

State should discourage people in their foolish habit of becoming insane by refusing to make the appropriation. The "local-option" plan, which is finding such favor in other States, and which was recommended for action by the Governor, was not meddled with, and we think wisely too. The revision of the Constitution, which in our opinion should have been the great question of the Legislature, was left untouched. In fact, about the only positive thing these eighteen scores of men did, in a session of twenty-eight days, was to adjourn. This Legislature might easily have rendered itself more dangerous by tinkering with the laws of the State in imitation of other legislative bodies, but for cool, stoical inactivity we have never seen its equal. If some ingenious Yankee could invent a machine to say yea, yea, and nay, nay, but principally nay, and teach some deaf mute to run it, the State would be saved the expense of assembling its sages in every torrid June.

In another issue of the "Anvil" Mr. McCall wrote an extended report of the inauguration of the Governor of New Hampshire, the style of which may be inferred from this sentence: "The Governor arose and in a firm tone announced that he had a sore throat and that the clerk would read his message."

It is not surprising that such a paper made considerable impression upon its contemporaries and was much quoted in the metropolitan journals. It was never a financial success, however,

and as it was a private venture, published at the expense of the editors, some of them had cause to regret their connection with it. It finally came to grief because of an audacious article reflecting upon the credit of the Dartmouth National Bank, a local institution of which the college treasurer was cashier and which was regarded as a fair subject of criticism. As a result the faculty intervened, and after two or three more numbers publication was suspended. Each of the editors gave a note for his share of the debt of the paper. After a number of years Mr. McCall paid his note, and in speaking of it at a college dinner he remarked that the New Hampshire method of computing interest made compound interest seem quite unimportant, and that the principal of his note was insignificant as compared with the accrued interest.

Like many other distinguished men, Mr. McCall has had some experience as a teacher. In his junior year at Dartmouth, the principal of Kimball-Union Academy at Meriden, New Hampshire, fell ill, and asked the president of Dartmouth to send a student to teach his classes in the ancient languages. Mr. McCall was sent and for three weeks expounded Greek and Latin. It was one of his pupils at this institution who, after Mr. McCall's speech in 1893 in favor of the

repeal of the Silver Purchase Act, wrote to him from Nebraska: —

Dear Sir: You once were my teacher in Latin and Greek at the Kimball-Union Academy. I have just read your speech on the silver bill. You are a damned fool.

Yours truly.

To this frank expression ot opinion the following reply was made: —

Dear Sir: I may have been your teacher in Latin and Greek, but I am glad I was not your teacher in piety and propriety.

Yours respectfully

S. W. McCALL.

After his graduation, while he and his friend Powers were studying law at Nashua, they decided to supplement the remittances which they received from home by teaching a night school. Mr. McCall has given this account of their experience: —

Many of the pupils were lusty chaps and pugilistic in disposition. Consequently, when Sam taught I watched, and when I taught he watched. One night he got into a heated controversy with a big fellow in the back line of seats, and there were indications that the fight which ensued might become general. I knew the school could whip both Sam and me, and so I said, "Boys, if you don't interfere, I won't. Let the better man win." Sam conquered the ruffian by a free appli-

cation of his fists and has ever since boasted of my art in diplomacy.

While a boy in Illinois Mr. McCall had been captivated by a speech which he heard Senator Lyman Trumbull make at a county fair, and while still at Dartmouth he arranged that on his graduation he should go to Chicago and study law in Trumbull's office. This plan was abandoned, partly perhaps because of his unwillingness to go so far away from the young lady who was to become his wife, and partly because of the persuasion of his classmate, Samuel L. Powers, who was to study law at Nashua, New Hampshire, and wished Mr. McCall to join him. After a year at Nashua the two young men removed to Worcester, Massachusetts, where they continued their studies, and in 1875 they were admitted to the Massachusetts Bar. They formed a partnership and opened an office in the Equitable Building in Boston. Like many another young law firm, it encountered stormy waters. Their first case concerned a bill of ten dollars for rent, and they lost it. The later history of the partnership and its final dissolution are best told in Mr. McCall's own words:—

Sam said we ought to live in a better-looking house. It would help business, he thought. He hunted around and found an imposing edifice with a marble front. We

moved, but Sam was wrong. Furthermore, our landlady kept a miserable little dog which furiously barked at us every time we approached our habitation. Sam said that the barking was undignified and that it tended to lower our tone both as lawyers and citizens. "Who," he asked, "wants to be yelped at as if he were a cow or a tramp?"

On Saturday night, if our resources were scant, we went home together, and after bedtime, in the hope of finding the dog nodding at his post, dead, or absent. But he was always wide awake and on duty, and then the woman would get out of bed and dun us. Finally, the firm held a consultation. Sam said that the partners separately could make fully as much money as they could jointly. He got a piece of paper and multiplied nothing by one and then by two and mathematically proved the accuracy of his observation. Thus the partnership was dissolved. My practice grew and so did his and we got along all right.

Mr. McCall's law practice, in which he had encountered such difficulties in the beginning, finally attained considerable proportions, but after he entered Congress, where he remained so long, it inevitably disappeared.

Throughout these early years at the bar Mr. McCall participated in the discussion of public affairs both in political speeches and in newspapers and magazines. He began a life of Napoleon, part of which was published in a magazine which

failed before the work was completed. Another paper, entitled "English Views of America," resented the condescending attitude assumed toward America by English visitors. A character who strongly attracted him and was made the subject of one of his early magazine articles was Rufus Choate. Another article was a somewhat severe arraignment of Charles Sumner. In consequence of his own experience subsequently in public life, Mr. McCall has said that he has modified his judgment and would not now be so harsh with Sumner. In view of the present discussion of national preparedness, an article by him, entitled "A Plea for a Strong Navy," published in the "Penn Monthly," Philadelphia, in 1881, is of particular interest. Even at that early day, when the subject was not much discussed, he perceived the necessity of maintaining a force sufficient to protect the rights of this country. In a striking passage he said:—

> While our two great political parties are fighting over again in Congress or in their campaigns the battles of the rebellion, while they are disputing whether our insignificant army should not be made more insignificant, the weakness of our navy is inviting insult to our flag upon the seas. It is possible for European ironclads of even the second rate to enter our harbors uninjured in spite of our ships of war or of any guns mounted in our

forts, to hold our chief cities at the mercies of their armaments, and to extort from our merchants tribute enough to build three navies. We are not even secure from invasion by foreign troops. The fleets of England alone could escort across the Atlantic all the armies of Europe, and the battlefield between ourselves and foreign invaders, which should be the wide barrier of the sea, would thus become our own shores. Suppose some foreign power should attempt an invasion with a well-trained army of two hundred thousand men under the convoy of a powerful fleet. If we had an effective navy, such an expedition could never cross the ocean. But with our present fleet, our only defense would be the liability to a disastrous storm, and if no such accident should intervene, the expedition could without doubt choose its own landing-place. And what would probably be the result? It is by no means sufficient to tell us that we are brave. Experience demonstrates that a regular army, manœuvring upon open plains, such as the richest portions of our coast afford, should be encountered with discipline as well as valor. Nothing could be hoped for from our weak and scattered army, but we should be compelled to rely upon volunteers. And volunteers, however brave, could not at first do otherwise than to permit such an army to slaughter them. In a short time we would be disciplined, and, by incredible exertions, our unwieldly masses would be formed into armies. But in that short time our rich and unprotected cities, the wealthy tract of country along our eastern seaboard, would be overrun and pillaged, and having destroyed or stolen the fruits of our unexampled growth,

the invaders could retreat to their ships as the English did from Portugal, and return unharmed. These are no mere chimerical dangers. If it is granted that they are not probable, they are at least possible. Wars do arise, and in these days of ocean cables and steamships they can arise quickly. Our defenseless condition and the possibility of inflicting a tremendous blow upon us might tempt the cupidity or ambition of foreign nations. It is criminal for us, through our weakness and our wealth, to permit such large appeals to the piratical instincts of mankind. We may presume too far upon the enlightenment even of this age. It seems little less than treasonable negligence upon the part of our statesmen to permit such humiliating possibilities.

In 1887 Mr. McCall was elected to the Massachusetts House of Representatives from the Winchester-Arlington District, and with but two brief intervals he has been in the service of Commonwealth or Nation ever since. In this Legislature he was made chairman of the House Committee on Probate and Insolvency, and he showed his reforming tendencies by introducing a bill dealing with poor debtors. Prior to that time, when an execution had been obtained for a debt of more than twenty dollars, the lawyer representing the creditors would have the debtor brought before an inferior magistrate, who was paid by fees. As the business of some of the professional debt-collectors was very consider-

able, it was made directly to the interest of the magistrate to secure the business of these lawyers; and very many times men whose only crime was poverty were sent to jail for debt, while many a rich debtor was able to defy his creditors. Mr. McCall introduced a comprehensive bill which abolished the fee system, and conferred jurisdiction over cases of poor debtors upon a reputable and established court. The effect of this bill, which was declared at the time to have been the most beneficent measure of the whole session, was to abolish imprisonment for debt in Massachusetts, except in cases of fraud.

In 1888, Mr. McCall made his first appearance in national politics in consequence of election as a delegate to the National Republican Convention, where he made a speech before the convention, seconding the nomination of Judge Gresham.

Early in that year, in company with William E. Barrett and Henry Parkman, he purchased the "Boston Daily Advertiser" and "Record" and became the editor-in-chief of the "Advertiser." During his editorship, the paper was strongly Republican, and supported the election of Benjamin Harrison.

He was again elected to the Legislature of 1889, and was made chairman of the Committee

on the Judiciary, a position which made him the leader of the House. The volume of work before this committee was unusually large; and it reported to the House about two hundred different measures. It is extraordinary that in only one case did the House set aside the recommendation of the committee.

At this session, Mr. McCall introduced a corrupt practices bill. It was adversely reported by the Committee on Elections, but he moved to substitute his bill in the House, and after a contest, it passed the House, although it failed in the Senate. This bill, which was popularly known at the time as "The Anti-Boodle Bill," was the first corrupt practices bill ever passed by a legislative body in America.

At this session, also, Mr. McCall introduced an order for the abolition of the Boston City Council. Although the order was not adopted, it was not without effect; for thereafter the Council showed a commendable degree of attention to business.

One of the most important events of the session was the controversy between the House and the Justices of the Supreme Judicial Court. Acting under what it claimed were its constitutional rights, the House asked the opinion of the Justices upon certain questions growing out

of the laws relating to the public schools. The Justices replied, declining to give their opinion. This reply was referred to the Judiciary Committee, on behalf of which Mr. McCall prepared an elaborate and learned report, and introduced a resolution embodying the views of the House, to the effect that it was the constitutional duty of the Justices to answer the questions propounded to them. This resolution was adopted by the House by a vote of 168 to 8. The question involved in the controversy is one of much importance in the government of Massachusetts, and was widely discussed in the legal periodicals of that time.

Another controversy in which Mr. McCall took a leading part arose on the last day of the session. The House was to adjourn on June 7, and on that day a bill which had passed the Senate, by which fishermen were excluded from the exemption which protects the wages of sailors from trustee process, came before the House for action. Mr. McCall's committee to which it had been referred reported adversely; but the House, by a majority of 30, set aside the report of the Committee, and substituted the bill.

Mr. McCall vehemently opposed this action, and said: —

Samuel W. McCall

Throughout all the last campaign, we heard of little except your love for the poor fisherman. You decorated him with the flag. You were ready to die in defense of the men who compose the nursery of our future navy, who brave the dangers of the storm and the Canadian pirates, and were finally almost the only men who displayed our flag upon the sea. But the election has been held, and you now propose to repeal the only law that exists in his favor. He was emphatically a sailor for campaign purposes, but you now propose to declare that he is not a sailor for purposes of the trustee process. While I am as anxious to adjourn as any member of this House, I will stay here, if necessary, until the 4th of July, rather than permit such a bill to pass, except through the regular stages.

When the final vote was taken, the House reversed itself, chiefly because of Mr. McCall's independent opposition. And the bill was finally defeated by 27 votes.

Mr. McCall was not a member of the Legislature the following two years, but served during that period as a Ballot Law Commissioner, to which office he was appointed by Governor Russell. In 1892 he was again a member of the Legislature, and became chairman of the House Committee upon Election Laws. This position gave him opportunity to renew the agitation which he had begun two years before, in favor of the enactment of a corrupt practices act. His efforts

were now successful, and the bill which it was his good fortune to conduct through the House became the law of the Commonwealth. To anticipate somewhat the course of events, it may be said here that many years later, while a member of Congress, he introduced a bill in the House dealing with the same subject. After two or three attempts, it finally was adopted, and bore his name. He thus has had the distinction of leading the way, both in the Legislature of Massachusetts and in the Federal Congress, in the enactment of legislation having for its object the restriction and regulation of the use of money in elections.

In 1891, the congressional districts in Massachusetts were rearranged, and Winchester, the town in which Mr. McCall resided, was taken out of the Lynn district, in which it had been for many years, and where Mr. McCall had many friends, and was attached to a metropolitan district, which included the cities of Cambridge and Somerville and the Back Bay wards of Boston. Although Winchester was the smallest place in the district, Mr. McCall was nominated in 1892 by the Republican Party as its candidate for Representative in Congress. His opponent was John F. Andrew, a son of the great "War Governor," and a man of great popularity. The con-

test was a notable one; and, on account of the balancing of the political parties in the district, was very close; but although William E. Russell, a Democrat, carried the district for Governor by 52 votes, Mr. McCall was elected to Congress by 992 votes. This was the first of his ten campaigns for Congress. And it is a notable indication of his popularity among his constituents, that each time after his first nomination, he was renominated by his party by acclamation, and was reëlected by substantial majorities. In one election his majority reached the figures of 18,888, which was the largest majority ever given to a candidate for Congress in Massachusetts.

Mr. McCall's part in the discussion of the measures which came before Congress during his membership of twenty years in the House will be treated in subsequent chapters. It should be said at this point, however, that his course in Congress was marked by an unusual degree of independence. When he thought that the attitude of his party was wrong, he did not hesitate to say so and to vote accordingly. It was natural that his refusal to join with the great mass of his party associates in Congress in support of the measures advocated by the President should have aroused antagonism in the minds of strong partisans, to whom opposition to the President

appeared little short of treason. At a Republican caucus in Winchester in September, 1900, a resolution was presented expressing "unqualified disapproval" of his action on the issues growing out of the Spanish War, and declaring it to be his duty to fall in line with the rest of the party, especially when importuned to do so by such a man as Representative Grosvenor of Ohio. An interesting discussion followed, in which Mr. McCall participated. He gave his reasons for his attitude on the various matters as to which he had been criticized, and concluded by saying, "If you are looking for a man to represent you who will vote as Grosvenor says, if you want a man with the backbone of an angleworm, don't send me back to Congress." The resolution was defeated by a vote of 197 to 3. The next month Mr. McCall was renominated by acclamation and his plurality in November was nearly 12,000, — the largest given to any Massachusetts Congressman at that election.

Few candidates for public office have ever received so marked a compliment at the hands of their constituents as did Mr. McCall in the election of 1904. Mr. Roosevelt, then at the zenith of his popularity, was the candidate for President. Mr. Bates was the Republican nominee for Governor of Massachusetts. Mr. McCall was for

the seventh time the candidate of his party for Congress. His election was assured, for the Democrats nominated no one against him. This was not an unprecedented situation, since it rather frequently happens that a party which feels itself hopelessly in the minority does not even name a stalking horse. The extraordinary feature of this election lay not in the fact that the opposition named no candidate, but that about forty per cent of the Democratic voters in the district cast their ballots for Mr. McCall. The total vote of the three Republican candidates in the district was 15,000 for Bates for Governor, 18,626 for Roosevelt for President, and 21,551 for McCall for Congress. In commenting upon this extraordinary result, a metropolitan journal said: —

> The wayfaring man, though a fool, cannot be blind to the significance of all this. In the Eighth District the voters encountered the appeal of two very different kinds of popularity. Not a vestige of doubt remains regarding President Roosevelt's popularity; and yet in the district in question it did not excite so much enthusiasm at the polls as that evoked by Mr. McCall. The latter has none of the spectacular qualities of President Roosevelt. The President "does things"; the times have apparently been right for his kind of things rather than for Mr. McCall's. . . . Loyalty to the Constitution, a rational tariff, justice to our conquered provinces,

a conservative foreign policy, and economy in public expenditures are issues to which Mr. McCall's name has been indissolubly linked in the past. His record is known far and wide. His course has been one of more than mere acquiescence in the great policies just enumerated. In his speeches in and out of Congress, and by his pen, he has defended them with skill and courage. His remarkable plurality on November 8 may therefore be regarded as Massachusetts' clearest utterance regarding the future policy of the nation.

Mr. McCall's first important committee service in Congress was as a member of the Committee on Elections, of which he was chairman for two years. In fourteen contests, his reports, several of which were against his own party's candidates, were followed by the House in every instance. One of the most notable of these contests was that between Yost and Tucker, which was debated by the House for two days and resulted in a decision in favor of Tucker, the Democratic contestant, by a majority of five votes. The system, however, by which the House is made the judge of what is essentially a question of law and evidence, is bad, and Mr. McCall introduced a resolution providing that in every such case there should be a preliminary investigation by a court whose conclusions could be adopted or rejected by the House as it saw

fit. This proposal, however, was not accepted, and the old system continues.

Mr. McCall was also a member of the Judiciary Committee, and was for ten years a member of the Committee on the Library during four years of which he was its chairman. This committee has jurisdiction over bills relating to public memorials and works of art in Washington. For the better regulation of the artistic development of our capital city Mr. McCall introduced a measure, which was adopted, for the establishment of a National Commission on the Fine Arts. Some of the most eminent of American artists, including Burnham the architect, French the sculptor, and Olmsted the landscape architect, have served on this commission. Such legislation is not spectacular and attracts the attention of comparatively few, but the development of Washington, which is rapidly becoming the world's most beautiful capital, owes much to this measure. Mr. McCall was also responsible for the completion of the pediment of the House wing of the Capitol, and the sculptured group by Paul Bartlett, which is now about to be put in place, will confer new distinction upon American art. Another important work with which Mr. McCall is associated is the building of the Lincoln Memorial, the design of which shows

that it will be one of the most beautiful and impressive structures in any country. He was named by Congress as one of the commission to have charge of its erection. His most important committee service, however, was on the Committee on Ways and Means, of which he was a member for fourteen years — a longer tenure than that ever enjoyed by any other New England Representative. The nature and extent of his work on this committee will appear in a later chapter dealing with the tariff.

Mr. McCall has also had the uncommon distinction of having served upon nearly every committee appointed by the House for the investigation of the conduct of its own members. One of these was the committee to investigate the charges of corruption in connection with the purchase of the Danish West Indies. The most important committee of this kind was that appointed to investigate the relations of members of the House with the Post-Office Department. Charges and insinuations of the most serious character had been made against many Representatives. Such charges could not be ignored, and yet if the House undertook an investigation it was likely to be accused of "whitewashing its members." The character of the men appointed to this committee inspired such confidence that there was

general acquiescence in its findings. It was composed, besides Mr. McCall, of Hitt of Illinois, Burton of Ohio, Metcalf of California, and three Democrats all of whom had served upon the bench. Of this committee Mr. McCall was made the chairman, and he has been heard to refer to this appointment as the highest honor which he ever received at the hands of his colleagues in the House.

A phase of Mr. McCall's career in Congress which is of considerable personal interest and of some public importance concerns his relations with Speaker Cannon. When Mr. McCall entered the House in 1893, Mr. Cannon had already been a member since 1873. Mr. McCall had high respect for Mr. Cannon's ability as a legislator and especially for his great service in connection with the Committee on Appropriations. He was one of the strongest forces ever in Congress in favor of the honest and economic expenditure of public money. No proposition tainted with graft ever received his approval. Mr. McCall was not originally in favor of Mr. Cannon's election to the speakership, but he was so strong that all other candidates withdrew and in the Republican caucus he had no opposition. As Speaker he was the leading representative of his party in the House, and as Mr. McCall fre-

quently criticized the party he often antagonized the Speaker. The relations of the two men were thus picturesquely described by J. B. Morrow, a prominent Washington correspondent: —

> If Samuel Walker McCall were an ox, tractable under the yoke and callous to the gad, he might be the one mighty leader in the labors and policies of the lower House of Congress. He has the head for it. But he is an intellectual thoroughbred, with the pernicious vices, from a party point of view, of jumping fences, biting and striking at his trainers, and running away with those who try to drive him. So he is put in a stall by himself, and whenever Uncle Joseph Cannon approaches, either with a bridle or a measure of oats, he carries a pitchfork and holloas "Whoa!"

Mr. Cannon was frequently urged to displace Mr. McCall from the Committee on Ways and Means because of his advocacy of lower duties, but the Speaker steadily refused and reappointed him in each Congress.

At the end of Mr. Cannon's third term in the speakership, he was perhaps the most popular man in his party. Then he incurred the hostility of the newspapers because of his opposition to free paper. It soon became the correct thing to criticize the Speaker. The so-called "insurgents" reaped a golden harvest of reputation by abusing Mr. Cannon. To attack "Uncle Joe" was

at that time a short cut to fame. The opprobrium heaped upon him makes one wonder why an intelligent constituency has chosen him as its Representative for forty years and why his colleagues in the House have four times elected him to the office of Speaker. In spite of the honors which his party had showered upon him, enough Republicans were found who were willing to unite with the solid Democratic membership in a movement to degrade him, and a resolution was brought in to remove him from the Committee on Rules, of which the Speaker had been a member *ex officio* for fifty years. In the debate on the resolution, March 19, 1910, Mr. McCall said:—

Mr. Speaker, I desire to say a few words upon the proposition before the House; but it is manifestly impossible to discuss it within the two minutes yielded to me.

This proceeding, in my opinion, is aimed at the Speaker of the House of Representatives. The proposition of the gentleman from South Dakota deposes the Speaker from his present position as a member of the Committee on Rules. Now, if it were an entirely new proposition, at the beginning of a Congress, I should consider its adoption; but I do not propose to vote for it, and I do not consider that it is open to be passed by a House controlled by Republicans. I do not propose to vote to deliver the Speaker, bound hand and foot, over to the minority party, although I know that

if you do that, he will go with head unbowed and erect, in the simple majesty of American manhood. [Applause.] This movement does not originate in the House of Representatives. I am not undiscriminating. I do not condemn a whole class, but you are about to do the behest of a gang of literary highwaymen who are entirely willing to assassinate a reputation in order to sell a magazine. [Applause.] I believe that the Speaker of the House, by his conduct in the last three days, if the country has been permitted to know it, has shattered many of the criticisms that have been made against him; and, as I see him there, his spirit reminds me of that of the old Ulysses starting off on his last voyage: —

"Push off, and sitting well in order smite
The sounding furrows; for my purpose holds
To sail beyond the sunset, and the baths
Of all the western stars, until I die."

[Applause.]

As Mr. McCall approached the completion of twenty years of continuous service in the House of Representatives, he decided not to be a candidate for reëlection. This decision was announced to his constituents in the following letter: —

To the Voters of the Eighth Congressional District: —

I have decided not to be a candidate for the House of Representatives at the approaching election. I have an ambition, not unworthy, I trust, to serve you in another capacity, concerning which I shall make a definite announcement at a suitable time. But, apart from that, after the strain of twenty years' continuous service in

a great popular assembly like the national House of Representatives, I should feel quite disposed to ask you not to consider me in selecting your Representative.

I regret keenly to arrive at this conclusion. The Eighth Massachusetts District is altogether unique. In point of intelligence and civic virtue it has no superior in the country. The support I have received from such a constituency is far beyond my deserts. Since my first election in 1892 I have been regularly renominated by acclamation in the conventions of my party, and have been elected by the most gratifying majorities. I have always felt that the best recompense I could make for your generous support was to reverence my relation as your Representative and treat your commission broadly as a mandate to serve the whole country.

Those twenty years have been crowded with events so momentous as to make them, with the exception of the Civil War era, easily the most important period since the establishment of our Government. In meeting the difficult problems forced upon the attention of Congress, I have often felt called upon to act independently of my own party, and sometimes of both parties. While I have occasionally found myself in a small minority, I have known no other way than to follow where my own judgment clearly led. But this is not the place, nor is mine the pen, to recount the record of those years. I may only say that the chief purpose animating me in my service has been to help keep vital the essential principles of the American Constitution so necessary to the continued greatness of our country and to the preservation of our liberties.

I acknowledge my deep gratitude at the opportunity of service you have given me. In that service I have doubtless made many mistakes, but my intention has always been true to you, and the commission I return is as clean as on the day when I received it from your hands.

SAMUEL W. McCALL.

Myopia Road, Winchester, Mass.
July 19, 1912.

Senator Crane had already announced his intention to retire from the Senate on the expiration of his term. The choice of his successor aroused interest throughout the country. The general opinion of the press indicated Mr. McCall as the most appropriate selection. In fact he was the only candidate who attracted the attention of the great newspapers outside of the State. The "New York Times" in a long editorial said: —

It really looks as if Massachusetts was making up its mind to honor itself and serve the nation as well by sending Samuel W. McCall to the Senate to fill the vacancy caused by the retirement of Murray Crane. It is a Bay State tradition that the senatorship is an office not to be wasted upon small men. Tradition counts for more in Massachusetts than in some other States. She has had a habit of sending to the Senate men of note and real substance, men whose reputations become countrywide. Congressman McCall is worthy of a place in that distinguished line. He has the gifts and the acquire-

ments that fit him for public life, for the senatorial career. . . . He is a man of matured opinions and strong convictions with the full courage thereof. No man is more insensible to public clamor of the passionate, wrong-headed kind, yet none more ready to support worthy causes with his voice and all the powers of his mind. . . . Progressives will be inclined to call him a reactionary. The description is inappropriate. Mr. McCall does believe in the Constitution and in the independence of the judiciary. He has faith in many principles and institutions of government that came into being longer ago than last summer. But he understands the sober-minded people of the United States. He knows the needs of the country. One of its needs is more men like Samuel W. McCall in the Senate.

The most distinguished citizen of the district which Mr. McCall represented in Congress so long, President Eliot, expressed himself in favor of Mr. McCall's election in a letter containing this passage: —

On constitutional and judicial questions Mr. McCall is conservative, like the great majority of the people of Massachusetts. In regard to the industrial, financial, and social reforms in which Massachusetts is sincerely interested and has long been a leader, Mr. McCall's position is that of a reasonable, prudent, open-minded man, who wishes to avoid doing harm while trying to do good. In general, Mr. McCall is an independent thinker, who has the courage of his convictions, and is willing to be in a minority for the time being, and so

makes the action of the majority wiser and more likely to be durable. It is of high importance that men of this sort should be kept in Congress.

Charles Francis Adams also printed and widely circulated a strong appeal for the election of Mr. McCall.

The "Springfield Republican," in commenting upon President Eliot's letter, said that among all the aspirants for senatorial honors in Massachusetts "Congressman McCall is conspicuously the one favored by prominent citizens who are without interest in the matter beyond a desire that the best thing for the State may be done."

It was before the day of the election of senators by popular vote. Indeed it was the last election in Massachusetts at which a United States senator was chosen by the Legislature. The contest in the Republican caucus was a long one and the balloting ran through four days. Mr. McCall was the leading candidate at the start, and at the end of the third day he lacked but a few votes of a majority of the caucus, but at the last he failed to receive the nomination. No sooner was the contest ended than suggestions of further political honors for him began to be made. Massachusetts felt that the most distinguished man whom she had sent to the House of Representa-

tives for many years must not be allowed to withdraw from public life. From all parts of the State came demands that he accept the nomination for Governor. For the time, however, Mr. McCall determined to remain in private life. He had literary engagements which would fully occupy him, and to be relieved of official cares of any sort would give him a freedom such as he had not known for nearly a quarter of a century.

On the last day of Mr. McCall's service in the House, his colleagues by unanimous consent yielded him the floor, and he pronounced a brief speech of farewell which in its gentle humor and lofty idealism was typical of all his public utterances. He said: —

Mr. Speaker, if I were to indulge in anything in the nature of a valedictory and impose it on the House, I should perhaps follow recent precedents rather than my own inclination, and I should feel that what I might say would suggest by contrast rather than by resemblance the wit of my genial colleague from Massachusetts and the grace and eloquence of my fair-haired friend from Pennsylvania. "Positively last appearances" are under suspicion. A farewell address which is engagingly spoken is apt to defeat its object, because it is liable to incite the people to take political action which may make it necessary to repeat the performance. [Laughter.]

I am not thinking of making that kind of address, but as I am about to leave the House to-day, I thought I would like to say a few words to the members with whom I have been associated so long. I say simply this to the members of the House individually, that I shall be entirely satisfied if their respect for me is equal to my respect for them. [Applause.]

Of the House as a whole, I would say I reverence its structure and its place in our Constitution; but it seems to me it might occupy a more powerful practical place, and that with its democratic composition and with the popular character of our Government it rests with the House itself to say whether or not it shall be the dominating organ in our system of Government.

In my twenty years of service here I have voted against a great many measures that finally became laws: and if I had any particular regret to-night in that respect, it would be that I had not voted against more of them, because I believe there is much truth in what Mr. Burke said, that repeal is more blessed than enactment. We are acquiring a facility for passing laws; we are making such encroachments upon our own freedom that I trust those of you who remain here will do what you can to postpone the day, now threatening to come speedily, when a multiplicity of statutes shall mar the fair image of our liberties. If we are to sacrifice our freedom upon the altar of piled-up statutes, then it will only be left for us to strive to attain some such lofty but difficult refuge as that portrayed in the lines of a noble Greek poet, nobly rendered by Gilbert Murray: —

Samuel W. McCall

"But the world with a great wind blows,
Blowing to beautiful things;
On amid dark and light,
Till life, through the trammelings
Of laws that are not the right,
Breaks clear and pure, and sings
Glorying to God in the height."

[Applause.]

When Mr. McCall retired from Congress the Republican Party in Massachusetts was in a bad way. It is not unusual for the Democrats to elect their candidate for Governor, but he seldom obtains a reëlection, and until recently there has been no instance of two Democratic Governors in succession. But beginning in 1910, the Democrats carried the governorship in five successive elections and with two different candidates. Part of their success could be attributed to the defection of the Progressives from the Republican Party, but there were also other causes. As the party went down to defeat year after year, it grew disheartened and discouraged, and it became evident that the strongest man in the ranks must be drafted into service if the party was to regain control of the State. Mr. McCall was urged to accept the nomination. In 1913 he refused, but the next year, when the matter was pressed upon him again, he agreed to accept provided the nomination came to him without a

contest. In so doing he realized that he was probably entering upon a losing fight. Indeed, he was urged by many of his friends to announce that he was a candidate for the nomination for two years. This, however, would have amounted to a confession of defeat at the beginning of the campaign and was not to be thought of.

The contest upon which Mr. McCall entered in 1914 was a difficult one. His chief opponent was the most popular Democrat who has appeared in Massachusetts politics since the days of Governor Russell. The breach with the Progressives had not yet healed and this deprived the Republican candidate of much support which he would otherwise have received. But Mr. McCall fought the campaign with vigor, and a few days before the election he predicted that he would receive 200,000 votes. The returns showed that he was only a few hundred votes in error. While he was defeated, he had raised the Republican vote from 116,705 of the year previous to 198,627, and had attracted so many Progressives back to the fold that the ultimate merging of that party with the Republicans was seen to be imminent. This notable achievement made his renomination in 1915 natural and just. While he was not accorded this honor without a contest, a reunited party was successful at the polls,

and the Republicans elected their Governor. Mr. McCall received 235,843 votes, which was the largest vote with a single exception ever cast for a Governor in Massachusetts. The vote of the Progressive Party was so small that it lost its legal status as a party. When Mr. McCall was inaugurated on January 6, 1916, the Republican Party for the first time since 1909 found itself in complete control of the Executive department of the State as well as of both branches of the Legislature.

The accession of the new Governor brought into office a man to whose training several sections of the country had contributed. Born in Pennsylvania, he had passed his boyhood amidst the prairies of northwestern Illinois, and then, contrary to the general current which carried men westward, he had cast in his fortunes with Massachusetts, where his long career in the public service had been fittingly recognized by his election to the highest office in the Commonwealth.

CHAPTER II

TWENTY YEARS OF LEGISLATION

MR. McCALL took his seat in Congress August 5, 1893, at the special session called by President Cleveland for the repeal of the Silver Purchase Act of 1890. This law had not had its expected effect in maintaining the price of silver. After a short rise, the price of silver bullion had steadily fallen. While the law was in effect more than $140,000,000 of treasury notes had been issued for the purchase of silver, which lay uncoined in the vaults. Hundreds of millions of greenbacks were in circulation, as well as hundreds of millions of silver dollars, which were worth inherently only a fraction of their nominal value. For the maintenance at par and the redemption of all this money, there was a gold reserve which, for the first time since 1879, had fallen below $100,000,000. There was a general distrust of the Government's ability to maintain the gold standard, and a financial panic ensued. President Cleveland summoned Congress and recommended as a measure of relief that the Silver Purchase Act of 1890 be repealed. There

was much doubt as to whether this would be done. In fact, if President Cleveland had to rely on the votes of his own party, it was known that it could not be accomplished. A majority of the Democrats were already infected with those heresies which were to lead the party to its downfall in 1896 and make it a negligible quantity for a dozen years. But the situation was altogether too serious for partisanship. The Republicans gave the President the support which was denied him by his own party, and the Silver Purchase Act was repealed. In the Republican State Convention in Massachusetts in 1892, Mr. McCall, as chairman of the Committee on Resolutions, had brought in a resolution in favor of this action. He was therefore committed to this course when he took his seat in Congress, and his first speech was in support of the recommendation of President Cleveland. He said:—

I agree entirely with the proposition advanced in this House by most of the opponents of this bill, that the question at issue is monometallism against bimetallism; but I do not agree with those gentlemen as to which side represents monometallism and which side represents bimetallism. To my mind it is as clear as the sunshine that a continuance of the policy of the Government in purchasing 4,500,000 ounces of bullion each month, or the free coinage of silver at any of the ratios in the

amendments pending before this House, will result in this country's becoming a monometallic and not a bimetallic country, and in our having as our standard of value the amount of silver coined in the silver dollar. . . .

During the three years in which we have been upon this policy our Treasury has parted with nearly $100,000,000 of its gold, and the reason it has not parted with precisely the amount of gold that it has purchased in silver is, in my judgment, due to the extraordinary measures pursued by it during the last two years to keep it. If we look at the matter from an international standpoint we find this remarkable coincidence, that up to July 1, 1893, we had purchased $140,500,000 of silver bullion, and we had exported from this country $141,000,000 of gold. The effect of this policy then, I say, is precisely what we might expect it would be — that as we have parted with our gold we have piled up silver.

It will not require any very long time, it will not be a very distant day when this Government, at this rate, will have parted with so much of its gold that it will be compelled to suspend gold payments, and the result will thus inevitably be the expulsion of all our gold from circulation, and the placing of the country upon a silver standard.

And that is the essential question at issue here today. What standard do we propose to maintain in this country? What is our dollar? You might infer that a "dollar" was simply a fiat of the Government, an umbra, a piece of that very intangible and unmeasurable thing called the "faith of the Government." . . .

But there is this significant thing in the situation, this

extraordinary coincidence, that what we call our dollar is worth precisely, and has been since the first day of January, 1879, the amount of gold in the gold dollar. That means simply that we are upon a gold standard. That means that the gold dollar is, in effect, the dollar of ultimate redemption, and every one of our dollars, whatever may be the intrinsic value of the material of which it is made or upon which it is stamped, whether it is worthless paper or whether it is silver, is worth precisely the value of the amount of gold in a gold dollar.

That results from the fact that this Government has since 1879 declared its purpose to convert every kind of its dollars into any other kind that any person may desire. The consequence has been that so long as it could maintain payment upon the basis of the gold dollar, which is the most expensive dollar, that would be our standard of value. But when we see the gold flowing from our Treasury we see that the Government is appoaching the point where, although it may have the willingness, it cannot have the ability to redeem its promises, and when the time arrives then it will have to go to the basis of the next most valuable dollar. . . .

He then points out that during the past twenty years, many governments had ceased to coin silver and at the same time the world output of that metal had increased. The inevitable result was a fall in price.

I do not imagine that it is necessary here to repeat any of the old classical arguments about the desirability

of the gold standard as against the silver standard; and I may say here that I take no stock whatever in the exploded theory that we can have a double standard. I do not believe you can have any double standard of value any more than you can have a double quart measure or a double pound weight. It seems to me that we must adopt some standard in value; and while, from the nature of the case, we cannot get anything that is inflexible, that will never rise or decrease in value, it is our duty to adopt that at least which will put us on terms of equality with the other trading nations of the world, and which will possess, in the highest degree obtainable, the quality of stability.

If we take the value of gold as compared with labor, which I think is fairly the unit of production, we shall see that gold and labor during the last twenty years have maintained their relations to each other, and that wages expressed in terms of gold are at least equal to-day to what they were twenty years ago, if not greater. . . .

There is another reason in favor of the gold standard besides the reason that it is the better standard. The gold standard is the existing standard in this country, and it should require some very potent reason to justify us in changing that standard to another. . . .

So long as this Government is able, and so long as the people believe it able, to redeem all its money in gold, people will be entirely controlled in the kind of money they select by considerations of mere convenience. But the moment the point is reached when it appears that the Government may not be able to

redeem all its money in gold, but that some holders of its obligations will be obliged to take a less valuable metal, then convenience gives place to fear; the bill holder becomes timid; and from the effect of this impulse of fear there is a locking up of our money from actual use.

I say, in conclusion, that if we want to maintain the two metals in circulation here, if we want to maintain the gold standard in this country, if we do not desire to drive from our business every drop of the rich, red, golden blood that vitalizes every civilized nation, if we do not wish to continue this paralysis of business, and subject our farmers to the system of exchange that is chiefly responsible for the degradation and practical slavery of the Indian peasant, we will have to repeal the act of 1890 unconditionally. And while we may not restore confidence in the minds of the people at one blow, we will go very far towards remedying the depression which has settled upon all of the industries of the country. [Applause.]

There are few members of Congress whose first speech in that body has attracted such wide attention as did this. William Everett, a keen critic, who was a member of the House at the time, said in the discussion that Mr. McCall had proved himself thoroughly worthy to speak for the district in which Harvard College stood.

Many years afterward Mr. McCall said of President Cleveland's conduct on this occasion:

Mr. Cleveland displayed a resolute courage in pressing the measure, but he achieved a large measure of unpopularity with his party, which was in favor of free coinage as was afterward clearly shown. That his efforts prevented the currency of the country from falling speedily to the silver standard, there can be no doubt. The contest was not finally won. Other battles remained to be fought. But it would have been lost but for the Silver Purchase repeal. And those who believe that incalculable damage would have come upon the country by the depreciation of its currency, and its departure from the established standard of the civilized world, will hold in grateful remembrance the patriotic self-sacrifice and the stern and heroic courage of Grover Cleveland.

Three years after the repeal of the Silver Purchase Act came the Bryan campaign on a free-silver platform. Mr. McCall carried the war into that part of the country where the sentiment for free silver was strongest, and delivered a series of addresses in Iowa, Nebraska, and Colorado, and on the Pacific slope. According to the newspapers of the day his arguments made a deep impression.

In 1898 the money question again came before Congress, when the Senate passed a concurrent resolution to the effect that the bonds of the United States were payable, at the option of the Government, in silver dollars containing 412.5 grains of standard silver, and that to restore to

its coinage such silver coins as a legal tender in payment of the Government's bonds is "not a violation of the public faith nor in derogation of the rights of the public creditor." In the debate on the resolution in the House, where it was overwhelmingly rejected, Mr. McCall said:

In standing in opposition to this resolution, and also in favor of the maintenance of the gold standard, the Representatives from Massachusetts are not unmindful of the history of the State they represent. They remember that during the war of the rebellion, when that State might have paid the interest upon its bonds in a greatly depreciated currency, it paid that interest in gold, and as a result of its scrupulous honor within ten years we have seen the bonds of that Commonwealth selling in the public markets of this country, subject though they were to taxation, above the untaxed bonds of the National Government.

A high public credit is not merely ornamental, but it is also in the highest degree useful. It both sustains and decorates a nation. It gives it the means of equipping armies, of building fleets, and of maintaining a struggle for its national existence. The great Junius never uttered a more brilliant epigram nor a greater truth than when, speaking of the public credit of England, he said, "Public credit is wealth; public honor is security. The feather that adorns the royal bird supports its flight. Strip it of its plumage and you fix it to the earth." [Applause on the Republican side.]

You are in a business that is not only paltry and mis-

erable, but disastrous as well, when you would utter again this forgotten expression of the emotion of twenty years ago to tarnish the fair fame of your country.

The repeal of the Sherman Silver Purchase Act was by far the most important legislative achievement of the first Congress in which Mr. McCall served. Another measure bearing upon the finances of the Government which was introduced at this Congress was an act permitting the States to tax the legal-tender notes of the Federal Government. It was doubtful whether Congress had the constitutional right thus to place the agencies of the Federal Government at the mercy of the States, and, whether it had the power or not, the wisdom of such a measure was more than doubtful. In the debate on July 6, 1894, Mr. McCall said: —

Should the States or the lesser local governments of this Union be permitted to tax the agencies and instrumentalities of the National Government? Should we permit them to tax the obligations of that Government, which are usually employed by it in emergencies to raise money and to preserve its very existence? The power to tax is the very highest incident of sovereignty. The power to tax involves the power to destroy. If Congress can grant to the States the power to impose a limited tax on our national obligations, it can grant them the power of free and unrestricted taxation. If the

authority were granted to the States to tax the bonds or the demand notes of the National Government, they would be given the power, practically, to destroy these obligations, and consequently the Government itself. . . .

The proposition of this bill is hostile to the public credit. The Government, of course, will be able to borrow money more cheaply if its bonds are not subject to taxation. But you say the greenback is not a bond; it is simply a demand note. The case is then stronger for the non-taxing of the demand note. In the case of a bond, the Government borrows money by paying interest. In the case of a greenback, it borrows money without paying interest. The greenback was a forced loan made in a grave emergency when the Government was in danger of destruction in the time of war, and its value was increased by the pledge of the Government, written upon our statute books, that it should not be subject to taxation.

I say that so far as the exemption from taxation is concerned, the greenback is surrounded with more sacred obligations than the bond, and if in any time of war or disaster that may in the future fall upon this country it should be necessary for it to make another emergency loan and to ask the money of the people without giving them any interest on their debt, it would be vastly to the advantage of the Government if it should religiously have observed every obligation with reference to the greenback. . . .

You surrender a point vital to the sovereignty of this nation when you subject its obligations to the tax-gatherers of the States and municipalities. The fine

sentiment for the national honor and the national faith, especially shown in the support of this very greenback, and which stands to the immortal honor of the Republican party, is apparently disregarded, and the flag which has so proudly floated at the mast-head in every storm of war is hauled down after the ship has reached the peaceful port.

At this Congress Mr. McCall introduced a bill providing for a commission to promote uniformity of state laws in matters of common interest. The measure was defeated, however, because of the extreme adherence to the doctrine of state rights on the part of the Democrats, who controlled the House.

When Mr. McCall entered Congress the merit system of appointment to office was still on the defensive. Members did not hesitate openly to stigmatize its advocates as "foul-mouthed demagogues" and "Miss Nancys," while such high-minded leaders as Carl Schurz and George William Curtis were even denounced as "traitors." The merit system has become so well established that invective such as this is now seldom heard in Congress, even though the actual administration of the civil service still witnesses many regrettable lapses from the principles on which it should be based. President Harrison showed his faith in the principle of the merit system and his

sincere desire to make it effective by appointing to the office of Civil Service Commissioner Theodore Roosevelt, who had taken an active part in securing the establishment of the system. Of his achievements in that office, Mr. McCall said in 1894:—

A great deal was said yesterday concerning the Civil Service Commission, and a good deal more of Mr. Roosevelt; but concerning that gentleman I noticed that the charges were very general and very vague. It was alleged against him that he was a Republican. I regard that as a matter mutually complimentary to Mr. Roosevelt and to the Republican Party. But this I think can be said, that no man has made any specific issue with Mr. Roosevelt under this civil service law, be he Republican or be he Democrat, who has cared to repeat the experiment. I believe that from the foundation of this Government to the present day there has been no officer who has more zealously, more loyally, and with a finer public spirit performed the duties of his office than Theodore Roosevelt has performed the duties of Civil Service Commissioner. [Applause on the Republican side.]

In 1898, when the merit system was severely attacked in the House, Mr. McCall made a speech in which he entered into an elaborate examination of the principles upon which the civil service is based and the practice of the government since the days of Washington.

Twenty Years of Legislation

I have listened with a good deal of astonishment to the course of this debate. We have heard the old spoils system proclaimed here in all its pristine and original corruption, and as vigorously as it was ever pronounced or put in practice by Andrew Jackson. . . . The wide range of the debate makes it necessary to revert not merely to these early teachings, but to some of the primary notions of popular government. When George Washington was put at the head of the Government there may have been factions, but there were no parties, and it was one of the public sorrows of that great man that he could not check the tendency, so certain and so irresistible in popular government, to the formation of parties.

John Adams succeeded to the office and the political views of George Washington, and the first appearance of political parties in their full development was during his term. Thomas Jefferson was elected President after a contest as heated as any political contest we wage to-day. His friends demanded to be recognized with offices. They said that they had been excluded from the government, and they demanded that the incumbents of the offices should be removed and that they be put in their places.

Thomas Jefferson wrote — and I commend this to our Democratic friends who make him the patron saint of their party — a letter to Dr. Rush about three weeks after his inauguration, and he declared that his party should come in for the vacancies that might occur until something like an equilibrium between the parties should be restored, but that he would not create vacancies for the purpose of filling them with his sup-

porters. "Of the thousands of officers, therefore," said he, "in the United States, a very few individuals, probably not twenty, will be removed, and those only for doing what they ought not to have done. I know that in stopping thus short in the career of removals I shall give great offense to many of my friends. That torrent will be pressing me heavily, but my maxim is 'Fiat justitia, ruat cœlum.'" In his eight years of office he made only thirty-nine removals.

In Madison's Administration there were but five removals, in Monroe's eight, and in John Quincy Adams's two. So that during the first forty years of this Government, of men holding office there were removed only about sixty, all told, and a committee of this House, which carefully investigated the facts, reported that during these forty years not a single man was removed from office on account of his political views. Then Jackson came in. He had a verbal record upon this question. No man had uttered more lofty declarations against the evils of patronage than he. One of the last things he did as Senator from Tennessee was to introduce an amendment to the Constitution prohibiting a second term to the President, in order to avoid the misuse of the offices. He was finally elected after two very warm contests. His passions were aroused. He was a man who believed a political enemy was a personal foe. He had plenty of bad and interested advisers, although his hot zeal needed no kindling. He made indiscriminate removals and looted the public service in a way that has made him the envy and despair of every spoilsman from that day to this.

His course was condemned by the greatest and purest statesmen of both parties living at that time. Henry Clay condemned it. He said that course followed out would destroy popular government and establish a despotism. Daniel Webster condemned it. Calhoun condemned it, and it was not supported by any prominent man who is to-day known as a statesman.

Jackson's doctrine was as forcibly stated by Swartwout, of New York, as by Marcy. He declared soon after Jackson was elected that "no damned rascal who tried to keep Adams in and Jackson out was entitled to the least mercy from that Administration save that of hanging." Swartwout well illustrated in his own person the new system then inaugurated. He was made collector of the port of New York and promptly proceeded to make way not only with his own salary, but with the public money of the Government.

The proscription put in practice by Jackson invited counter proscription from the other party, so that as the Administrations alternated from that time until the time of the Civil War, each Administration tried to get even with the one that had preceded it. And yet an attempt was made by some Administrations to do away with the spoils system. . . .

Let us, then, get the spirit of our own history. Omitting the terms of Lincoln and Johnson, when the great upheaval of the Civil War and the stupendous problems which followed it rendered a thought of this reform out of the question, we find the spirit of our first forty years against the spoils idea, and the last thirty years characterized by an earnest effort on the part of all

parties to return to the earlier and better practices of the fathers of the Constitution.

So, I ask you which example is the more commanding — that of Washington and Jefferson and Adams and Madison, of Grant and Garfield and Hayes and McKinley, illustrating and adorning seventy years of our national life, or the proscription of Jackson, followed by the counter proscription of his successors, covering only thirty years of our existence and denounced by the greatest statesmen of that era?

He fortified his argument by appealing to the experience of England, where, after a long fight under the leadership of such men as John Bright and Gladstone, the public service was opened to all classes in the community and any man might aspire to any post for which he was qualified. The argument in favor of the merit system was concisely stated and both parties were urged to join in support of these principles which would do so much to purify public life.

I will enumerate a few of the advantages of civil service reform. In the first place it will secure a more efficient and economical public service. In the next place, it gives to all who desire to enter the service an equal opportunity through the open door of merit and takes away from the privileged few the power to pay their political debts with places in the people's service. It lessens the power of bossism and favoritism, already

too strong in this country. It dries up most fruitful sources of angry political contentions.

It takes away from Congressmen executive powers which they have so long usurped and gives to them the time to perform the duties which are theirs under the Constitution and which they were elected to discharge. It preserves the independence of the legislative branch of the Government, which is destroyed if members of Congress are continually going to the White House and importuning the President for offices. I can show you more than one instance where appointments have been made for the purpose of pushing legislation through the two Houses of Congress. And then it secures to popular elections their real dignity and value, by enabling the people to express their will in the choice of political officers free from the corrupting influence of hundreds of thousands of placemen on the one hand and hundreds of thousands of place hunters on the other.

This is a question in which both sides of the House, aye, the whole American people, are interested. The Democrats believe that they have vital principles, and that if the people can fairly pass upon them they will pronounce in their favor, and that those policies and principles will be put in force for the benefit of the country. We believe also in the policies and principles which we advocate on this side. Let us then join hands and take away the corrupting influence of these thousands of nonpolitical offices, and then the policies which you represent and the policies which we represent can be submitted in the great constitutional forum and can

be decided by a free and unbought expression of the will of the American people. [Loud applause on the Republican side.]

A subject of the first importance to the commercial world is the law governing bankruptcy. The Constitution vests in Congress the power to enact a uniform rule on the subject, but during most of our history, its regulation has been left to the States. From 1800 to 1803, from 1841 to 1843, and again from 1867 to 1878 statutes in exercise of the power of Congress were in force, but in nothing has the jealousy of national authority been manifested more strongly than in opposition to the attempts to place bankruptcy under the control of a Federal law. The insolvency laws of the several States are necessarily limited in their operation to those transactions over which the States enacting them have jurisdiction, and it must furthermore be said that many of them were framed with little regard to the just rights of creditors. In 1898, when the Bankruptcy Act which is now in force was pending in Congress, Mr. McCall said: —

To-day New York and Charleston, Baltimore and New Orleans, are nearer together than, at the time of the framing of the Constitution, Boston was to Salem or to Providence. The telegraph, the telephone, and

the frequent fast-flying mails have almost annihilated distance, and our nearly 180,000 miles of railroad enable us now, in an incredibly short space of time, to transfer from one State to another great masses of freight and merchandise which one hundred years ago were as immovable as mountains. The marvelous instrumentalities of modern commerce, undreamed of one hundred years ago, have compelled us to become commercially one people. State lines are eliminated. The merchant in New York makes a trade, in his own office and within a minute of time, with the merchant in Chicago, and it becomes absolutely necessary for us to exercise this great power entrusted to us, this great duty enjoined on us, the performance and exercise of which have become so vital to the proper regulation of commerce and trade. . . .

We have to-day a vast number of men in this country who are hopelessly in debt. This bill will set them upon their feet. It will also provide a rule for the future, so that the merchant will more readily send his merchandise across state lines. He will be willing to run the chances of mismanagement or misfortune of his debtor when he would not, in addition to that risk, run the chances of rascality and the preferences that might be secured under local laws, or, if he did, he would charge for it. Business is done with reference to all the risks to which it is subject. If there is an extra risk by reason of the lack of just remedies, that risk is added to the price of the goods; it is paid in the end by the consumer, so that in the last analysis the cost of rascality is borne by the people. . . .

Samuel W. McCall

The time has come for us to lift a heavy millstone from the neck of industry; to bid the hundreds of thousands of our financially maimed and crippled fellow citizens to get upon their feet and walk, and to provide an open highway over which the overburdened debtor of to-day and of the future may walk from the land of hopeless struggle and financial bondage into a position of freedom.

Congress has many times discussed the subject of subsidies for American shipping, either for the purpose of building up the American merchant marine or for facilitating commercial relations with other countries by providing adequate mail service. The latter consideration is one of special importance, and when a measure designed to assist the establishment of mail routes to South America was before the House, in 1907, Mr. McCall said:—

The academic speeches which have been made about subsidy are very interesting, and I agree with them on general principles, but they do not deal at all with the question involved in establishing these South American lines. It is a power prescribed by the Constitution to establish mail routes. That is a governmental power, and if it is "subsidy" to carry our mails to South America in the first instance at more than the Government receives for postage, then why was it not "subsidy" when the Government established and maintained hundreds of routes in advance of civilization, for the

development of the country, until the time came when the postage received from the routes would pay for their maintenance? If this is "subsidy" then it is gross "subsidy" to maintain the rural free delivery, which absorbs all the postage received from the routes and at least $10,000,000 more each year. So I assert that the objection of subsidy cannot be raised to this proposition. The question simply is: Is it in accord with a sound public policy to establish these South American routes —and that is the particular part of the bill to which I am now speaking— and is the compensation reasonable?

We are not so insular and contracted, Mr. Chairman, that we will establish liberal mail facilities where the letter starts in the United States and its destination is in the United States, and yet will deny our people the same liberal treatment when they desire to trade or to communicate with the people of other lands. The international mail system rests upon the same high public ground as the domestic mail system, with this in addition, that the former is in the interest of peace, that it will tend to bind the people of the different nations together and create a community of interest which is a powerful influence against war; and in that view it subserves a high purpose which is not especially subserved by the service in the United States.

There may be some incidental benefit connected with establishing these mail routes, but I do not think gentlemen should shudder and be greatly alarmed lest as a result of this policy a few ships should be built in American shipyards. The total cost of all the fleets established by this bill will probably not exceed two battleships.

This is not a very munificent provision for the ship-building industry. From the standpoint of peace, these couriers of peace traversing the ocean will be a more powerful agency against war than the two battleships would be.

Another measure of a somewhat prosaic description, but which will do a great deal to enhance the efficiency of the House as a legislative body, owes its origin and adoption to Mr. McCall. This is the bill for rearranging the hall of the House. The chamber in which the House sits is altogether too large to serve as the meeting-place of a deliberative assembly. Since the members can hear very little of what is being said, noise and confusion result, and only a few members of stentorian lung power possess the physical ability to transmit their thoughts to their colleagues. This has a bad effect on debate. "It is hard," said Lord Bryce, "to talk hard good sense at the top of your voice." The act introduced by Mr. McCall provides that the desks for members shall be removed, and that the area of the chamber shall be greatly reduced. The carrying-out of these alterations will make the sessions of the House seem less like an open-air meeting, and will enable the members to make themselves heard by their colleagues.

In 1912 Mr. McCall introduced into Con-

gress a proposal to amend the Constitution by conferring upon Congress the power to pass uniform laws regulating the hours of labor. The comment upon this suggestion showed how easily a public man's utterances may be turned against him and his motives misconstrued. Many newspapers pretended to believe that Mr. McCall had been converted from a conservative into a radical, and that he was now abandoning his advocacy of the reserved rights of the States in favor of a centralized government in Washington. But a study of Mr. McCall's arguments upon the Constitution and the necessity of observing its provisions discloses nothing to indicate that he thought the Constitution was an unchanging and unchangeable instrument. His argument simply was that when the need for change became apparent, the change should be made by a straightforward amendment and not by a forced and twisted construction. He was convinced that manufacturers in States where the hours of labor and the conditions of work are prescribed by law could not compete upon an equality with manufacturers in States which had no such regulations.

The obvious remedy is to confer authority upon the national legislature to deal with a subject which is of national importance. The advocacy of such

an amendment was in no way inconsistent with his insistence upon the recognition of the reserved rights of the States.

One of the most important subjects that have come before Congress since the Civil War is the regulation of interstate transportation. The intimate relation that exists between industry and transportation, and the control which great railway systems exert over the fortunes not only of individuals and corporations but of cities and States make the question of the regulation of transportation agencies one of profound interest to every part of the country. Unfortunately the field is a rich one for the demagogue. Baiting the railways has been a popular sport in many localities, and one who ventured to question the wisdom of every fresh twist of the thumb-screw and to ask for the same degree of justice for the owners of the railways which is extended to other forms of property invited denunciation as a tool of the interests and an enemy of the people. Undoubtedly there were evils in railway management which demanded correction, and even if no evil could be shown it is doubtful if it was in the public interest to allow the prosperity of individuals and of communities to be at the mercy of groups of men who were not under public control. Railway regulation is necessary and proper, but this

is far from saying that every measure introduced for that purpose should be adopted.

Mr. McCall was opposed to trenching too far upon the management of privately owned railways, because such a policy would tend to bring about government ownership. As to this he said in 1905:—

> The ownership of transportation lines would give the National Government the ready means to usurp the insignificant powers remaining to the States. One party would demand that the railroads should not be operated on Sundays, another party would contend that the Government should not transport intoxicating liquors, still another would claim that veterans or other classes should ride free, and others would urge that men engaged in kinds of business at the time obnoxious should not be permitted to ride at all, and you would enter upon an era of extravagance, of favoritism, and of centralization of power at Washington which would be subversive of our Government or would radically change its character. Take off the lid from this Pandora's box and you will see everything escape except hope.

The great purpose of the Interstate Commerce Act of 1887 was the prevention of discrimination between individuals and localities. There has never been much complaint in any part of the United States that rates were too high. That question has seldom been raised except when an

advance in rates was suggested. But discrimination has been a real evil, very difficult to detect and to abolish. By rebates, by secret rates varying from the published rates, by industrial switches, private cars, refrigerator cars and numerous other devices, one shipper was given a preference over another. As the act of 1887 proved insufficient to meet the evil, the Elkins law of 1903 was passed, but for some years no serious attempt was made to enforce it. In his message of 1904, President Roosevelt discussed rebates and discriminations, and proposed as a remedy that the Interstate Commerce Commission be empowered to fix rates. Just why it would be any more difficult for a railway to grant a rebate on a rate fixed by the Commission than on a rate fixed by itself was not made apparent.

In 1906 Congress enacted the Hepburn Act by which authority to fix rates was vested in the Interstate Commerce Commission. Mr. McCall had supported the Elkins Act of 1903, and had advocated that the Commerce Commission be made a prosecuting body with ample funds at its disposal for the purpose of carrying "before the courts in a summary fashion any rates which after investigation it believes to be unjust, unreasonable, or unequal." Let the number of judges be enlarged sufficiently to obtain speedy decisions,

and then trust to the orderly proceedings of the courts to determine the rights involved. But he was opposed to the Hepburn Act. Not only did he think that the remedies which it provided were not adapted to the removal of the evils at which they were directed, but that the bill involved a dangerous concentration of power in the National Government. We have often heard lately of "the little father at Washington." He first made his appearance in Mr. McCall's speech of February 7, 1905:—

> The enormous concentration and pressure of power involved in the attempt to have the National Government run our railroads, and, as a result, those great engines that produce the articles of interstate commerce, would be to engender here a heated center of despotism destructive of the last appearance of individual freedom. Liberty is only compatible in this country with keeping the management of their affairs near to the people, where they can see how they are conducted. Distant as they are from Washington, they get merely the stage effects, and the actor who is set down to play all the virtuous parts in the play may be in fact the real villain. A system like ours, with the functions of government distributed among different organs and localities, is tolerant in the highest degree of freedom, and the unshackled liberty of millions of men employing with the least restraint the faculties God has given them is what has produced our marvel-

ous development. . . I do not care to see created at Washington a "little father" as there is one at St. Petersburg. For my part I prefer the American system of distributed power, with as much as possible left to the individual, rather than the Russian system of centralized power.

In his speech in opposition to the Hepburn Act, which was one of his most learned speeches and showed a wide acquaintance with the practices of other countries as well as an intimate knowledge of the technicalities of rate-making, Mr. McCall said:—

So far as favoritism is concerned, in every one of its forms I am opposed to it. I would have you enact against it the most drastic law which ingenuity could devise. And I would have the right of every man to a just, reasonable, and equal rate taken to the courts at the expense of the Government, in the first instance, and ultimately of the railroads, if they were held to be in the wrong, under every effective species of remedy, taken to that forum where Anglo-Saxon freedom has won its noblest triumphs. For my part I prefer the natural and beneficent liberty of the courts to the cast-iron regulations of a commission. I would encourage proceedings such as that in Scotland, which for a differential given in good faith, took from a railroad company in damages and costs about $700,000.

After examining the economic arguments advanced in support of the bill, Mr. McCall con-

cluded his great speech by inquiring what effect such a law must have upon our system of constitutional liberty:—

We pass laws here with an easy optimism and a profound faith that, so great are the American people, their prosperity is proof even against vicious government. And so the two great parties, in playing the game of politics, sometimes vie with each other in pandering to the popular passion of the hour, and court the roar of the galleries rather than history's approved voice. Undoubtedly the splendid strength and youth of the American people are well-nigh unconquerable, but no state was ever yet so great that a persistence in evil courses could not lay it low. We may presume too far. If we are guilty of reckless and impulsive action here we may wreck the nation. If you will pardon an old fable: As the boy Phaëton, driving the horses of the sun, but lacking Apollo's darting glance and unerring touch of rein, did not follow the safe middle course, and thus wrought havoc to both the earth and sky; so by impulse and unsteadiness in driving this Washington chariot of ours, now steering too high and now too low, we may put our American constellations to flight, dry up the courses of our iron rivers, and make of our fertile prairies the sands of another Libya. [Applause.]

Mr. McCall was one of the seven members of the House who voted against the Hepburn Act. He prophesied that its enactment would have an

unfavorable effect upon the business of the railways and would lead to an increase in their rates. Within little more than a year of its passage, the country had one of the most acute financial panics that it has ever experienced. Railway rates have increased, while confidence in railway investments has so diminished as to check very materially the construction of new roads, and the necessary expansion of existing roads and their efficient operation in the public interest. The number of miles of railway which have gone into the hands of receivers since the enactment of the Hepburn Act is perhaps not altogether unconnected with the provisions of that law.

While the debate on the Hepburn Act was still fresh in the public mind, Mr. McCall came up for reëlection. The following letter from one of the most acute thinkers in the country is weighty evidence of the place then occupied by Mr. McCall in American public life:—

CAMBRIDGE, MASSACHUSETTS,
November 1, 1906.

HON. DAVID T. DICKINSON,
Cambridge, Mass.

DEAR MR. DICKINSON:—In these days, when the Democratic Party has no firm hold on any stable political principles and tends in many parts of the country to nominate erratic demagogues as candidates for high

positions, a courageous, independent, conservative, forcible thinker and speaker like Mr. McCall renders a great service to the dominant party and the country by supplying in some measure the empty place of a vigorous opposition. It has been a great satisfaction to me for some years past to help return Mr. McCall to Congress, and I hope to continue to enjoy that satisfaction so long as I live.

Very truly yours,

CHARLES W. ELIOT.

CHAPTER III

CONSTITUTIONAL QUESTIONS

IT has sometimes been urged as a reproach upon American public life that all discussion of proposed legislation degenerates into a debate as to constitutional power. The merits of measures, it is alleged, are quite obscured by arguments as to the authority of the legislature to enact them. There is undoubtedly considerable reason for this criticism. Seldom, indeed, is any contentious measure enacted by Congress or by any state legislature which is not at some stage denounced as unconstitutional. When the opposition finds itself bereft of all other arguments, it falls back upon the final plea that the proposed legislation is in violation of the fundamental law. However objectionable such a practice may be, it has some undoubted compensations. This plea keeps constantly before the people the nature of their system of government, and familiarizes them, to a greater degree than is true of the people of any other country, with the chief concepts of their system of public law. The value of such discussions in the political education of the people is

enormous, and their influence in preserving the limitations of the Constitution is incalculable.

Mr. McCall's speeches and writings show that he has been a thoughtful student of political philosophy, and that he is familiar, not only with the working, but with the underlying principles, of the chief systems of government of both ancient and modern times. He is impressed with the soundness of the principles upon which the American Constitution is based and with the necessity of their faithful observance. This does not mean that he regards the framework of our Government as perfect and incapable of improvement. He has voted for such changes as the election of United States Senators by popular vote, and he introduced into the the House a bill for amending the Constitution by vesting Congress with the power to regulate hours of labor throughout the United States. Such changes as these are, however, mere details. They do not affect the fundamentals of the constitutional system by which the American people are endeavoring to solve the problem of reconciling liberty and law, and of preserving unity without that uniformity which tends to aristocracy and tyranny. The instrumentality by which we are endeavoring to attain these results is a written constitution which sets bounds to the authority of the governmental

agents whom the people select. This can be effective only in so far as its provisions are regarded. Mr. McCall might have taken as the basis of his constitutional discussions Chief Justice Marshall's query, "To what purpose are powers limited and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained?"

It was while Mr. McCall was in Congress that the strongest effort known in the history of the country was made to magnify the authority of the Federal Government at the expense of the States. Officials who were anxious to "do things" plainly showed their impatience under the restraints imposed by the Constitution. Responsible statesmen in public speech warned the States that if they failed in the performance of their duty, "constructions" of the Constitution would be "found" which would vest the necessary authority in the Federal Government. It was a dangerous period in American history — all the more dangerous because the objects which those in authority sought to accomplish were in general so praiseworthy, and because the people were so impressed by what they would gain as to be almost oblivious to what they would lose. It was a time for recourse to fundamental principles, and for a testing of the new statesmanship by an

application of the political philosophy upon which the American Government was founded.

On Lincoln's birthday, 1907, Mr. McCall delivered an address before the Republican Club of New York City on "The Importance of preserving the Constitutional Balance between the Federal Government and the States." The address attracted wide attention and the House of Representatives ordered it printed in the "Congressional Record." It was one of Mr. McCall's most thoughtful speeches, and would rank high in comparison with any discussion of the fundamental principles of the Constitution. The anniversary upon which he was speaking naturally suggested Lincoln's attitude toward the States.

Lincoln might easily be pardoned if the consuming work to which he devoted his life had produced in his mind an undue regard for the National as against the State Governments and a willingness to see the balance established by the Constitution destroyed. But while he was compelled to employ every power in the great conflict of arms, in the presence of which the Constitution and all other laws were silent, he was in the highest degree conservative of the State Governments. His speeches before the war show his regard for the States, but it is more significantly proven by the policy he had determined upon near the end of his life, a policy which rejected the "conquered-province" theory of the status of the seceding States, and presented a

plan so mild, so constitutional, and so opposed to the radicalism of the moment that his successor was overthrown for attempting to put it in force.

What, then, is the system of government that Lincoln stood for and that emerged victorious from the Civil War? It is a dual system, under a Constitution which as distinctly reserved powers to the States and the people as it granted others to the National Government. It was thus presented by the Supreme Court after the war, and in the light of the consequences of that struggle: "it may not be unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution in all its provisions looks to an indestructible union composed of indestructible States." Nullification by States of the action of the National Government would be entirely repugnant to this system, but no more repugnant than usurpation by the National Government of the powers reserved to the States. Either would be, in substance, precisely what South Carolina tried to do and would be destructive of our constitutional system. If the forces of disunion, the centrifugal forces, were permitted to have sway, the States would fly from their orbits and cease to revolve about the Central Government. On the other hand, if the centripetal forces were given unchecked domination the powers of the States would be drawn by attraction of gravitation to the central authority, they would become the mere shadows of governments

and a powerful central despotism would be the result. Whether you may favor the one system or the other it is enough to say that neither one is the balanced system established by the American Constitution.

Advocates of the new nationalism, to be sure, proposed to limit the expansion of Federal authority to "fields of necessary control."

But who is to decide, in the first instance, what are "fields of necessary control"? Obviously the gentlemen who wish to exercise the control. . . . And a given field of "necessary control" having been taken possession of by the National Government, a construction will be found to keep it under control. This theory, it is needless to say, would erect usurpation into a constitutional system. . . .

Mr. McCall then attacked the fundamental assumption of the argument for the expansion of the Federal authority by construction by showing that the charge of inefficiency brought against the State Governments, as compared with the Federal Government, was not warranted by the facts. The Federal Government has been credited with an "imagined perfection" which it does not possess. "The railroads," he said, "have been built almost entirely through state agencies. But one railroad, the Union Pacific, was constructed under national control, and the Credit Mobilier and other scandals associated

with it almost shook the Government to its base." In the District of Columbia, where the national authority has full sway, the corporation laws "would make a New Jerseyman blush."

In any consideration of the relation between the Federal Government and the States, the vast size of the country and the diversity of interests of its several sections must be remembered.

It is a slow process to develop a homogeneous public opinion in so populous and scattered a people. Diversity of interests will develop diversity of opinions in different groups of States. These diverse and conflicting interests will often bring into play forces that neutralize each other and prevent all national action. Or in cases where a uniform sentiment is aroused the impetus of so great a body of opinion is overwhelming, reason loses its force, and the most extreme course is liable to be taken. The failure of the effort to retire in times of peace the forced loan of the Government put out in war and the many compromises regarding silver illustrate the balancing of forces, while Reconstruction, which resulted from an unmistakable, widespread, and uncontrollable public opinion, illustrates unreasonable and extreme action. Reconstruction was pressed through by patriots and statesmen at Washington, acting in ignorance of local conditions, and it produced a condition of things which made it necessary for the people of the States affected to resort to violence and fraud in order to save civilization. Burke says repeal is more blessed than enactment; but when a law once finds its

way upon our national statute books, it requires almost a revolution to repeal it. Witness so necessary a measure as the silver repeal, which Cleveland was able to secure only through the disruption of his party.

The political philosophy underlying the American constitutional system was thus expounded:—

The founders of our Government were jealous of power. They aimed to secure liberty — first, by protecting the individual against the encroachments of government, and second, by retaining the maximum of governmental powers in those governmental organs near to the people. They knew that mankind had suffered quite as greatly from too much as from too little government and that uncounted millions of men had groaned under its persecutions and exactings; that governments were very apt to be conducted for the benefit of those, or of the favorites of those, who wielded them, and that the creation of an enormous central engine of authority would be subversive of individual freedom. They knew that bad men, honest and fanatical men, had often secured control of governments and had made of them scourges more deadly than the earthquake or the pestilence. And their jealousy of unrestrained power was as justifiable as it was profound.

Francis Lieber has said that we do not enjoy liberty by grace of government, but by limitations upon its powers. This is precisely the theory upon which our Government was founded. Freedom inhered in the individual, and powers not granted were expressly reserved. And the proposition to take them away by

"construction" in any supposed emergency is only a part of the unending conflict between autocracy and liberty.

The cautious grant of powers to the Central Government, the express limitations imposed upon them, the reservation of other important powers to the subordinate governments with limitations again, made of our Constitution by far the most tolerant of liberty of any system ever established. The States are ideally constituted to deal with the great mass of questions relating to personal government. They do not possess the war power. They can have no foreign policies, and the most important cause of governmental infatuation and of dangerous ambition is thus taken away. They conduct their operations under the very eyes of the people, and there is far less temptation to theatric government than where actors are performing to very large and very distant galleries and in order to thrill them are compelled to make up too heavily to impose upon nearer spectators. They deal especially with the humdrum but vital concerns of everyday life, and, by an apportionment of their powers among towns and counties, the people not only have an opportunity of knowing how government is conducted, but they have an opportunity to engage in it. They feel a practical responsibility for it, see that its affairs are really their own, and instead of being like the political upholsterer of Addison, who was taken up with the concerns of the King of Sweden or some other distant monarch while he neglected his own, they acquire a practical and vital interest in it and deal with it through their

senses and reason instead of their imagination. We thus see our system of government springing from a broad base and extending by a gradual and easy slope to the summit of power which rests as lightly as does the topmost point of a pyramid upon the mass beneath. How much better this than a jutting and overhanging mass of power at the very top, oppressing the people below with its intolerable weight until, in the providence of God, it topples over.

In the effort to enlarge the functions of the Federal Government, the achievements of the States and particularly the accomplishment of individuals were belittled and overlooked. In the struggle of mankind toward better things, it is the individual rather than government who has usually been responsible for the advance. The best service that government can render is that of protection to the individual while he works out the problems of the race.

The individual citizen has not done badly. What reason is there for the deification of the Federal office-holder? Our contributions to astronomy have been made, not by the magnificent Government instruments at Georgetown, but by the private and often humble institutions of the country. The effect of drugs upon the human system has been disclosed, not by the chief of the poison squad of the Department of Agriculture, ostentatiously trumpeting information already known to every sophomore in medicine, but by research carried

on in a hundred schools. Our marvelous inventions and all our other gifts to civilization have come from the splendid body of our private citizenship, containing uncounted men fitted to honor our highest offices. And as our chief source of greatness in the past has been in the cherishing freedom which has stimulated that citizenship, so will our hope for the future be in the continuance of that freedom. Our citizens may be trusted to learn how to spell and how to regulate their diets and their baths without too much governmental assistance from Washington.

The time may come when the muckraker shall sit in the seat of the publicist and the sensational demagogue take the place of the statesman, and when we shall be given over to the heralds of a statutory millennium who would make everybody equal and perfect by penal enactment. But I trust the Republican Party will make it its first duty to resist the coming of that day, and while always ready to exercise when necessary any national power in its full vigor, that it will safeguard the autonomy of the States, so that those who dwell in America hereafter may continue to enjoy that rounded and symmetrical system of free government preserved and handed down to us under that greatest of Republican statesmen, whose career we to-day commemorate, and to the end, too, that in the words of the immortal message from Gettysburg, "government of the people, by the people, for the people shall not perish from the earth."

Mr. McCall attached so much importance to the preservation of the balance between the

Federal Government and the States as a means of guarding the liberty of the individual that later in the same year he returned to this theme, and at the Jamestown Exposition, on September 17, 1907, — the anniversary of the signing of the Constitution and of Washington's Farewell Address, — he spoke eloquently of the attempt of the framers of the Constitution to reconcile order with liberty, and of the success which had followed their efforts. If the Constitution, he said, "has thwarted some adventurous designs and set at naught the crude and callow projects of inexperience, that was one of the things it was supremely designed to do."

In eulogizing the Constitution, however, Mr. McCall had no intention of representing it as having reached such a state of perfection as to be in no need of change. His contention simply was that if change was necessary it should be made in the prescribed way and not by so-called "construction."

If amendments are desirable, there is a way provided for their adoption. And upon this day, which is the anniversary of the Farewell Address, as well as of the final action of the Convention, we may well ponder upon those weighty words spoken by that great soldier and statesman, to whom more than to any other man we are indebted for our independence and our National Government. "If in the opinion of the people," said

Samuel W. McCall

George Washington one hundred and eleven years ago to-day, "the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by amendment in the way the Constitution designates. But let there be no change by usurpation; for, though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield."

But it is proposed to expand the Constitution by "construction." So far as the rules of interpretation are concerned, they should, of course, be applied, not with the technical narrowness employed in construing penal statutes, but with the liberality befitting the organic act of a government in which general terms must necessarily be used. But if under the pretense of exercising a granted power a power not granted is put in force, then we should have substantially that usurpation which would fall under the denunciation of George Washington.

After quoting Mr. Gladstone's rhetorical flourish, to the effect that our Constitution is "the most wonderful work struck off at a given time by the brain and purpose of man," Mr. McCall compares our form of government with that of some other countries for the purpose of noting its distinctive feature: —

To my mind the distinctive thing about the American Constitution, which indelibly stamps its character,

is that it embodied an experiment before that time unknown, and established a government upon the cornerstone of the individual, making him for certain essential purposes of freedom superior even to the Government itself. In other nations, whatever liberty there was had commonly appeared in the form of concessions and grants from sovereigns to the people. The kings ruled by a claim of divine right. Whatever of liberty the people enjoyed came by gift from the king, and whatever authority was not granted by the king remained vested in him. But the American Constitution reversed all that. It proceeded from the people. The Government which it established was one of limited powers. Every power that it possessed was delegated by the people, and every power not granted was expressly reserved to the people or to some of the governmental organs which they had previously established. The original Constitution was framed upon this theory, but that there might be no doubt about it, at least six of the States, and among them Virginia and Massachusetts and New York, accompanied their ratification by resolutions making an express construction that all powers not granted were reserved; and the first Congress submitted among the amendments embodying the Bill of Rights, the Tenth Amendment, declaring that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." This amendment was immediately ratified and placed in the Constitution. It is there even more impressively than if it had been made a part of the original instrument, and it

deals a death-blow to the theory that our Government has about it any "divine right" or any "inherent power," or any power that is not contained in the express grant. To my mind, therefore, the striking thing in the American Constitution, which differentiates it from the previously formed constitutions of all other nations, is the manner in which it imposed limitations upon government, recognizing that all power originally resided in the people, and that no government had any species of authority over them which they did not expressly grant.

We Americans as a people are easily impressed by mere bulk. It pleases us to think that in territorial extent we are the largest of the great powers; that the population of the United States exceeds that of any other one country, exclusive of its dependencies, except only China and Russia; that more than half the total railway mileage of the world lies in the United States; that no other country has so many cities with more than a million inhabitants as has this country,—and other facts of a similar degree of importance or unimportance. But we do not so easily perceive that the larger the country and the more numerous its population, the less important is each individual and the more he is obscured by the size of the community to which he belongs.

Herein lies another reason for maintaining the autonomy of the States.

A great central government exerting its authority in all governmental matters over a vast and scattered population necessarily takes on an autocratic character. The part of each individual in such a government becomes so infinitesimal and diluted that it vanishes almost entirely as an appreciable force. The wide range of powers heretofore exercised under the Constitution by the States gives an opportunity to the individual citizen to bear an appreciable part in actual government. The historian Freeman, in comparing small states with great ones, said that a "small republic develops all the faculties of individual citizens to the highest pitch. The average citizen of such a state is a superior being to the average citizen of a large kingdom. He ranks, not with its average subjects, but at the very least with its average legislators." I have given the obvious reason. In a small community resting upon suffrage, which is practically universal, the average citizen takes part in the actual work of government, and is disciplined by it, while in a very large nation he is practically a spectator. In the one case participation in government will beget a facility for it, and, dealing with subjects at close range, his practical sense instead of his imagination will be brought into play. But where he is a spectator looking at transactions taking place upon a distant stage, the thing that stages well is the thing that will command his attention. The rotund chest and swelling shoulders of the hero may be only sawdust, but the effect upon the distant onlooker will be the same. He is dealing with things which may or may not be real. The opportunity for deception is great, the chance of detection small. The ideal condition is that provided by our sys-

tem. We can have the protection, the security, and the sense of national pride attending a great nation, and we can at the same time be free, in conjunction with those in our immediate neighborhoods, to manage our local affairs in our own way, without the intermeddling of an autocrat.

Whatever faults the people of the United States may have developed, their most stringent critics will admit that in most situations they have displayed a robust common sense, which, when they have taken time for reflection, has saved them from serious blunders. But there is always the danger that in some critical situation we may yield to the blandishments of an impatient statesman who wishes to "do things." It is then that the restraints of the Constitution are most valuable.

The mortal disease of democracies is the demagogue. It is so easy to make the most prosperous people think they are ill-treated and badly off; it is so easy to use the property of a small class to bribe the members of a large class, that unscrupulous politicians in all ages have found a ready means to advance their fortunes under democratic goverments. The makers of our Constitution were well aware of this danger, and they made careful provision against the demagogue. They knew that often history condemned what the crowd at the moment applauded. They safeguarded liberty and property, imposed checks against hasty action, so that the people might have time to think and

form an opinion worthy of the name, and they carefully distributed power among the three great departments of government. The system has worked admirably.

That was an impressive dictum of Montesquieu, that "there is no liberty if the judiciary be not separated from the legislative and executive powers." The independent judiciary of the United States, standing apart and coldly scrutinizing in the light of the Constitution the action of the other departments, has proven a most effective guardian of liberty.

The House of Representatives, fresh from the people, is sure to voice the immediate popular demand. The Senate, differently constituted, acts with more deliberate reserve, although its efficiency would be increased and its conservatism in no degree lessened if the democratic principle were not so grossly violated in its composition. The Constitution so invested the President with power at the same time that it decorated him with honor that it satisfied his ambition and sobered him with the weight of great responsibilities. And our Presidents have usually been a great conservative force, and more than once they have not hesitated to step into the cold light of unpopularity if they might thereby advance their country's honor. Sailing before the wind has not been a favorite pastime with American Presidents; their great deeds often have been at the time unpopular. Washington breathed the popular fury when he issued his proclamation of neutrality, but he struck a mighty blow for the independence of our foreign relations. Cleveland heroically braved a widespread sentiment and sacrificed his popularity in order to preserve the standard of value

of our money. And when the printing-presses were to be set in motion and the national bondholders were to be paid in paper, Grant, the silent, inflexible soldier, who was always a hero unless upon dress parade, interposed his veto against inflation. The result of the workings of our institutions has been seen in a progress which has conserved, and while we have made haste slowly we have outstripped all other nations.

Thus the Constitution has safely carried us through the most rapidly moving century the world has ever seen. It has shown itself equal to this great era. How will it ride the tumbling waters of the century that has just dawned? How will it be in the far future when mayhap the Gaul shall insultingly leap upon the ruins of the Capitol and "wasteful wars shall statues overturn"? Whether it shall then endure or be derided and trampled under foot will depend not so much upon the virility of its powers, as upon the integrity and sense of justice of the American people. No constitution can save a nation from itself. To that riddle of the future the wise and venerable Franklin in almost the last words spoken to the convention, after the engrossed copy had been read, gave perhaps the most illuminating answer that can be made. It can, he said, speaking of the Constitution, "only end in despotism, as other forms have done before it, when the people shall become so corrupted as to need despotic government — being incapable of any other."

The relation between the Federal Government and the States was involved in the proposal

to amend the Constitution by giving to Congress the power to levy an income tax. The amendment, which was proposed to the States by Congress on July 12, 1909, was passed by that body in great haste and with slight consideration of its form. Mr. McCall approved of the income tax as a means of raising revenue but thought that the power to levy it, except in great national emergencies, should be reserved to the States. He also advocated that the proposed amendment be so changed as to give to the House of Representatives the sole right to originate a bill levying an income tax and as to require the Senate to accept or reject the bill in the exact form in which it came from the House. He added:—

> It is said that this tax is for use in time of war. . . . Why not, then, limit it expressly to time of war? Why not, for the just protection and the equal rights of the people of New York and of the other great States of this Union, five of which probably will pay nine tenths of an income tax, although they will have only one ninth of the representation in the Senate—why not preserve the limitation upon the power of the Central Government? Why drag every governmental power to Washington so that a vast centralized government may devour the States and the liberty of the individual as well? I say this amendment should be more carefully considered than it has yet been considered.
>
> It is liable to go into the Constitution of the United

States and be forever a part of the organic law in the form in which it has been, I may almost say, extemporized or improvised. The character of the argument which has been made, that this tax is for use in time of war, leads me to observe that the chief purpose of the tax is not financial, but social. It is not primarily to raise money for the State, but to regulate the citizen and to regenerate the moral nature of man. The individual citizen will be called on to lay bare the innermost recesses of his soul in affidavits, and with the aid of the Federal inspector, who will supervise his books and papers and business secrets, he may be made to be good, according to the notions of virtue at the moment prevailing in Washington. And, incidentally, and since access to every business secret in the country can be had by the authorities at Washington, the citizen may be made to see his political duty if you happened to have a President who confused the attainment of his ambition with the highest good of the universe and was willing to abuse his power in order to coerce the citizen. You are creating here an ideal condition for corruption and for the political Jack Cade of the future to levy blackmail.

And so, Mr. Speaker, believing that this amendment, with no compensation whatever, does away with an important part of the great compromise of the Constitution, and that it is not limited to the emergency for which it is said to be intended, I shall vote against it. The amendment has not carefully been considered by a committee of this House or by anybody else in the United States that I know of, unless possibly by Mr. William J. Bryan. [Applause.]

The income tax amendment became part of the Constitution on February 25, 1913. How little reference it had to the war necessities of the Government may be seen from the fact that a bill levying an income tax was introduced into the House six weeks later, and became a law October 3, 1913.

While thus maintaining the rights of the States against encroachment, Mr. McCall was equally strenuous in asserting the supremacy of the Federal Government within the sphere allotted to it. When the amendment providing for the popular election of United States Senators was before Congress, strong efforts were made to deprive the Senate of all authority over the election of its members. Had this movement succeeded, we should have had the strange situation that if a State sent to the Senate a man who had been chosen by the most corrupt methods, or even one who did not possess the constitutional qualifications for membership in the Senate, there would have been no instrumentality of the Federal Government to exclude him. There would have been the further anomaly that while the House of Representatives would still have been the sole judge of the election and qualifications of its members, the election of Senators would have been entirely under the control of the States. Mr.

McCall was in favor of the popular election of Senators. The state legislatures were not chosen primarily for the purpose of electing Senators, and the influences to which they were often subjected did not conduce to good government. But, on the other hand, Mr. McCall was so much opposed to the proposition that the Federal Government should have no control over the choice of this important class of Federal officers that he declared that he would vote against the entire amendment unless that feature was removed. Ultimately this strange attempt to cripple the Federal Government was defeated.

Another constitutional controversy, on which Mr. McCall has spoken and written much, concerns the relations between the House and the Senate. The latter, as the smaller and more permanent body of the two, and endowed also with extensive executive powers, has tended for many years to magnify its place in the Government, and in so doing has encroached upon the constitutional prerogative of the House to originate revenue bills. The power of the purse, which in England is vested in the House of Commons, was intended by the framers of the Constitution to be vested in the House of Representatives. At first the House took the position that the power of the Senate over money bills was confined to sim-

ple acceptance or rejection. But the Senate argued that the exclusive power of the House was confined to bills for raising revenue, and that the Senate not only could amend such bills to any extent, but could even originate bills for the repeal of taxes or reduction of revenue. The controversy has never been settled. The House has always refused to pass bills for the reduction of revenue which originated in the Senate, but it has not been consistent in its attitude toward its revenue measures, some of which have been radically amended in the Senate. In 1872 the House sent to the Senate a bill relating to a tax on coffee and the Senate amended it by substituting a complete revision of the tariff. This called forth a protest from the House, and in the course of the debate in that body Garfield said that the action of the Senate violated "a right which cannot be surrendered without inflicting a fatal wound upon the integrity of our whole system of government." Nevertheless, the Senate persisted in its practice. The Mills Bill, framed by the House on free-trade lines, was converted by a Republican Senate into a high protective tariff. The Wilson Bill was so radically changed by the Senate that President Cleveland refused to sign it. The Payne Bill was returned to the House with more than six hundred amendments. This long-continued

practice has made the prerogative of the House little more than a shadow. Both on the floor of the House and in print Mr. McCall has urged the necessity of observing the spirit of the Constitution. On February 11, 1901, he said in the House in reference to a revenue bill:—

> I believe that the Senate's action is contrary to the spirit of the Constitution. A reading of the debates at the time of the adoption of the Constitution, a reading of the contemporaneous construction of that instrument in the "Federalist," the whole history of the struggle in Great Britain over the exercise of the power of taxation, it seems to me, can leave no doubt that the Senate, in the case of the bill it has returned here, is practically usurping power. It is not a mere technical question, as put by the gentleman from Texas. It is a question of political power, the distribution of political power between the two Houses of Congress. It is a question on which it is the duty of the House to assert its prerogative and to contend for a fair and broad construction, rather than a technical construction which will leave it with the mere shadow of power. . . . The framers of the Constitution vested a great power in the smaller States in the Senate, and to offset that power a compensation was provided by conferring a special power over taxation upon the House. . . . The framers of the Constitution, as shown by the debates on the Constitution, intended to leave the House in substantially the same position as the House of Commons. Taxes were declared to be the voluntary grant of the House

of Commons which represented the people of England. The States do not pay the national taxes; the taxes are paid by the people. One sixth of the people of this country elect a majority of the whole Senate. The State of New York has as many people as the combined population of States electing thirty-six Senators. The framers of the Constitution provided that while certain powers of government, such as might be exercised by a council of a State, should be transacted by the Senate, the power over the purse should be held by the House, which represented the people. On the theory of the Senate's action the great power of the House to originate revenue bills dwindles to the power only of originating an enacting clause. The House cannot with any dignity and with a due regard to its own prerogative ask the Senate for a committee of conference. [Applause.]

Mr. McCall has also protested against the Senate's use of the treaty-making power to usurp the prerogative of the House to originate revenue bills. In an article in the "Atlantic Monthly" for October, 1903, he said: —

> The expansion of the power of the Senate in an undemocratic as well as in an unconstitutional direction is also seen in the growing tendency to pass laws, and especially taxation laws, by treaty. Treaties are high contracts between nations, and it can hardly be believed that it was within the contemplation of the framers of the Constitution so elaborately to construct a legislative machine and at the same time to throw the whole mechanism out of gear by a single clause regarding treaties,

providing that the President and Senate might call in a foreign potentate and make laws for the National Government of the United States. Treaties have the force of law, but they should obviously be within the fair scope of the treaty-making power. At any rate, it would scarcely be reasonable to claim that they set aside the Constitution, and if we are to regard the Senate as a part of two legislative machines, it cannot, as a part of either, do the things prohibited by the Constitution. Under that instrument revenue bills must originate in the House. How, then, can they originate by treaty? It would, indeed, be a curious spectacle, that of the Senate, composed in the way it is, sitting behind closed doors, and deciding in secret what taxes the American people are to pay.

Another phase of the relations between the Senate and the House of Representatives is involved in the respective authority of the two bodies in the making and abrogation of treaties. The Constitution declares that a treaty which has received the sanction of the President and two thirds of the Senate is a part of the supreme law of the land and all persons are bound thereby. This is clear and explicit, but if the United States desires to rid itself of a treaty into which it has entered, some difficult questions arise. May the agents of the United States who made the treaty — that is, the President and the Senate — also abrogate it, or must both branches of the legislature join

in altering the supreme law of the land? This matter was fully discussed in Congress in 1911 in connection with the abrogation of the treaty with Russia. Mr. McCall, in a speech on December 20, 1911, argued that treaties should only be abrogated by a joint resolution of the two Houses of Congress. In support of this view he said:—

I do not concur at all in the view that has been advanced in another body, that the power to break treaties resides in the Executive, by and with the advice and consent of the Senate. The Constitution expressly confers upon the President the power to make treaties, with the concurrence of two thirds of the Senators present. Now, we all know what the making of a treaty is. Jay has said that a treaty is a trade between two nations. It requires two or more parties to make a trade; but treaty-breaking is a radically different thing. That can be done by one party. It is sometimes a perilous thing to do. It may sometimes lead to war. It may lead to the destruction of the vested rights of millions of people, and it seems to me that it is a very extraordinary construction to put upon the Constitution to hold that the term "making treaties" is so pregnant as to include its opposite.

I have no doubt that the Senate can very wisely exercise this power. It is a great thing for the country to have a body of wise and virtuous men who are conscious of their qualities and are willing in a patriotic way to exercise not merely their own constitutional powers,

but whatever other powers may be scattered about under our system of government and which, not being nailed down, can be made to move in their direction. [Applause.]

Treaties have usually been abrogated by both Houses of Congress. There are a very few exceptions. There is the exception of the action of Mr. Lincoln, taken during war-time, and yet it was thought best in that case to have his action subsequently affirmed by a vote of the two Houses of Congress. [Applause.]

When the Fifty-sixth Congress assembled in December, 1899, it was found that on the face of the returns Brigham H. Roberts had been elected to the House of Representatives from the State of Utah. It was not questioned that he possessed the requisite constitutional qualifications and that he had received a majority of the votes cast. But it was alleged that he was a polygamist, and in consequence of a fit of moral hysteria, such as sometimes seizes Congress, a resolution was introduced declaring that he "ought not to have or hold a seat in the House of Representatives and that the seat to which he was elected is hereby declared vacant." This resolution presented an important question of constitutional right and power. The Constitution provides that either branch of Congress may, by a two-thirds vote, expel one of its members. It also provides that each House shall be the judge

of the election, return, and qualifications of its own members. By virtue of this clause, the sponsors of the resolution for the exclusion of Roberts claimed the right to declare his seat vacant. Mr. McCall took the opposite view. He argued that if the House assumed the right to exclude a legally-elected member for any reason not specified in the Constitution, it thereby to that extent added to the constitutional qualifications for election to the House. Furthermore, if the House could exclude any man because it did not approve of his personal habits, it could exclude him for any other reason that might seem good to it. The Constitution itself clearly distinguished between the power to exclude and the power to expel. The former requires only a majority vote, while the latter, which is evidently regarded as a more serious matter, requires a two-thirds vote. Since the committee appointed to investigate the Roberts case had found that he possessed the constitutional qualifications for membership in the House and that he had been duly elected, Mr. McCall argued that he was entitled to take his seat. Having been admitted to the House, that body could then, if it saw fit, expel him. And Mr. McCall added that in his judgment the practice of polygamy was sufficient cause for expulsion. Mr. McCall's argument is undoubtedly a

sound exposition of the clauses of the Constitution to which it relates, but the House, in acting upon the resolution, furnished another illustration of the fact that in disposing of election cases it pays little heed to either law or evidence. The resolution was adopted by a vote of 268 to 50. When a similar case arose shortly afterward in the Senate, that body by a decisive vote adopted the course advocated by Mr. McCall.

In recent years considerable dissatisfaction has been manifested with reference to the working of our political institutions. It has been felt that representatives did not reflect the sentiments of their constituents, and that partisan machinery was used to defeat the popular will. Senator Root's statement that the government of New York had been no more responsive to public sentiment during the past forty years than had the government of Venezuela was expert testimony in support of a widespread conviction. While there was little question as to the existence of the condition, there was difference of opinion as to the cause and the remedy. There can be no doubt that one of the most potent reasons for the failure of our institutions to achieve the results desired is the excessive burden which their operation imposes upon the voter. No other electorate in the world is called upon to

take so large a share in government as is that of the United States. Our elections are so frequent, the number of officers to be chosen is so large, and the questions of policy to be considered are so numerous, that the voter cannot properly discharge the task which is imposed upon him. Most members of the electorate are obliged to earn their living. Their time and attention must be given to their private affairs. If in addition they are obliged to pass upon numerous and complicated questions of public policy, the latter are certain to suffer. It is absurd to submit measures to the decision of electors who have neither time nor opportunity to inform themselves concerning them, and it is obvious that comparatively few legislative questions arouse any general public interest or can be sufficiently freed from details to make them suitable for submission to a popular vote.

The remedies for admitted evils which have been most ardently advocated have been the initiative, the referendum, and the recall. These have been heralded by their sponsors as though they were the latest discoveries in the art of government, whereas they are as old as organized society and are the devices under which the highly cultivated democracies of the ancient world went to ruin. It is somewhat strange that so practical

a people as the Americans give so little heed to the experience of other countries in matters governmental, and so often assume that the laws of economics and of politics which operate in the rest of the world are suspended within our borders. It is well, therefore, that some of our States have adopted the machinery of direct government which has proved so unsuccessful elsewhere, in order that we may have an ocular demonstration of its working. The State of Oregon, which has gone further in this direction than any other State in the Union, is rendering an important service in acting as a sort of political testing laboratory for the whole country. It may not be out of place to refer here to an instructive illustration of the working of the referendum in a town in that State which desired to issue bonds under conditions which necessitated a popular vote on the question. In accordance with the provisions of the law of Oregon, a pamphlet setting forth the reasons for the issue was printed and a copy sent to each voter. In the pamphlet a mistake was made as to the date of maturity of one series of the bonds, and the attorney for a prospective purchaser raised the question as to whether this mistake might not affect their validity. Whereupon the officers of the town offered to prove that only one voter had read

the pamphlet and that he had not noticed the error.

On several occasions, but especially in an address before the Ohio State Bar Association in 1911, Mr. McCall has indicated the objections to the initiative, referendum, and recall as methods of government in the United States. Such success as these methods have ever had has been in small, homogeneous communities. He has many times protested against our tendency to multiply laws—a tendency which the initiative would only confirm. The facility with which signatures for the submission of a new law could be obtained was well illustrated by Mr. Roosevelt, who replied to an applicant for appointment as postmaster who said that his application was supported by a petition from his fellow townsmen, "I could get a petition to have you hanged."

The referendum is less objectionable than the initiative, but in addition to the fact that the electorate is seldom sufficiently informed as to the details of legislative projects to make an intelligent decision on them, this method of procedure has an unfavorable effect on legislative bodies. As to this Mr. McCall said:—

> The referendum takes away from the legislature the responsibility for the final passage of the laws, and permits it to shift the burden upon the people. Legislators

will be asked : " Are you not willing to trust the people to say in their wisdom whether a given bill should he enacted ? " The prevailing vice of members of lawmaking bodies in our country is not venality, it is political cowardice ; and they will be ready to take refuge in that invitation to trust the people. A witty member of Congress from Mississippi once said that he usually found it easier to do wrong than to explain why he did right. There will be no such difficulty under the referendum. The legislator may dodge the responsibility of voting upon some bad but specious law where his political interest would lead him to vote one way and his sense of duty another way. He would only need to say that he believed in the people, and would vote to refer it to that supreme court of appeal.

One of the most pernicious measures ever recommended as a method of popular government is the recall of judicial decisions. If the liberty of the individual is to be preserved, the judiciary must be independent. If the courts are deprived of their freedom, whether by the decree of a monarch after the manner of James II or by the vote of the people, men's rights are without any sure guaranty. Judges, to be sure, are fallible, but experience has shown that of all the means of protecting human freedom, an independent judiciary is the best. If a judicial decision were submitted to a popular vote, the result would inevitably be determined in large measure by the

popularity or unpopularity of the litigants, and yet the most unpopular man or corporation is entitled to the equal protection of the laws. Those who have advocated that a judicial decision should be subject to being set aside by a popular vote have usually based their argument upon cases in which an attempted exercise of the police power has been held invalid on the ground that it was not due process of law. Justice Holmes once said of the police power, "It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderating opinion to be greatly and immediately necessary to the public welfare." There could be no safer rule for the guidance of the courts than this, and the history of the American judiciary shows that in general it has been faithfully followed. But the fact that a particular piece of legislation has been enacted does not in itself prove that it represents the "prevailing morality or strong and preponderating opinion." The courts may judge of that with as much hope of reaching a correct result as may the legislature, and if they make a mistake experience has shown that they will correct it without a resort to a popular vote. In 1907, for instance, the Court of Appeals of New York held, in People *v.* Williams (189 N.Y. 131), that a statute regulating women's hours of work violated

their freedom of contract. Only eight years later, in People *v.* Schweinler Press (214 N.Y. 395), the court reversed this decision in accordance with the "prevailing morality" and "strong and preponderating opinion."

CHAPTER IV

THE POLICY OF PROTECTION

THE electoral contest of 1892, which was the first campaign in which Mr. McCall was a candidate for Congress, turned chiefly upon the tariff. From the beginning of its history the Republican Party had been committed to the policy of so shaping the tariff upon imports as to encourage the establishment of new industries for which the country was adapted and to protect existing industries against foreign competition which could be met only by reducing wages below what was regarded as the proper American standard. The financial needs of the Government during the Civil War and the years immediately following were so great that there was little discussion as to the rate of duties which should be imposed, but the Democratic platform of 1868 declared for "a tariff for revenue upon foreign imports," and the two parties have continued to divide upon that issue, although in one or two campaigns, particularly those of 1896 and 1912, the tariff has been overshadowed by other questions. The Democratic platform has often been

so cryptic in its utterances upon the tariff that both a high protectionist like Samuel J. Randall and a free-trader like John G. Carlisle could support it. In 1892, however, it was faultlessly clear. It denounced Republican protection as a fraud by which a great majority of the people were robbed for the benefit of a few, and declared it to be "a fundamental principle of the Democratic Party that the Federal Government has no constitutional power to impose and collect tariff duties, except for the purposes of revenue only." A President and a Congress elected on such a platform could have no choice but to undertake a revision of the tariff in accordance with the principle of a tariff for revenue only.

The campaign of 1892 was one of the most listless that this country has ever known. Neither party displayed much enthusiasm either for its nominee or its platform. The situation was well expressed by Colonel Ingersoll when he said, "Each party would like to find some way to beat the candidate of the other without electing its own." The Democrats had for a third time nominated Grover Cleveland, who promptly repudiated one of the most important planks in the party platform. The Republicans, in a perfunctory spirit, had renominated President Harrison. He was a man of unblemished character and high

ability, but he rivaled Whistler in his mastery of the art of making enemies, while his coldness of manner and lack of tact alienated even his friends. The most marked feature of the election was the sudden rise of the People's Party, which advocated many of the economic doctrines adopted by the Democrats four years later, and which polled over a million votes. The Democrats won an overwhelming victory, and for the first time since 1861 found themselves in control not only of the Presidency but of both branches of Congress.

The clear-cut pronouncement in the Democratic platform in favor of a tariff for revenue, as well as President Cleveland's well-known views on the subject, made it inevitable that the new Congress, in which Mr. McCall took his seat for the first time, should undertake a revision of the existing duties. Accordingly, when Congress met in regular session in December, 1893, the Committee on Ways and Means, under the leadership of William L. Wilson, of West Virginia, brought in a tariff bill. The proposed law lowered the duties on a comparatively small number of articles, and was in general a very moderate measure of tariff reform. Moderate, however, as it was, the Democrats in the Senate refused to accept it, and returned it to the House with

amendments so numerous and so radical as to make it a materially different measure. In its amended form it was so far from fulfilling the pledges of the Democratic platform that President Cleveland wrote an indignant letter in which he characterized the action of the Democratic Senators as "party perfidy and party dishonor," and when the bill was accepted by the House and submitted to him for his approval, he held it for ten days and allowed it to become a law without his signature.

While the Wilson bill was pending in the House, Mr. McCall delivered an important speech in which he urged that the tariff policy of the country should be determined by experience rather than by abstract theory. As his first utterance in Congress on a subject with which he was closely identified for twenty years, as well as for the reasoning involved, it possesses peculiar interest.

I have been somewhat struck by the significant tribute that has been paid by the leading advocates of this bill to the strength of the practical evidence in favor of protection. They evidently prefer to soar among the clouds in the realm of pure abstraction and to commune with the kindred spirits of departed free-traders, rather than to cast even an occasional glance at the essential history of their country. I do not mean to assert, be-

cause it would not be true, that the supporters of this bill have not alluded to American affairs. They tell us that employers are selfish. That, unfortunately, is a charge that can be truthfully made against any portion of mankind. They tell us that we have labor troubles and strikes in America, but they fail to tell us also that nowhere in the world are strikes more prevalent than in free-trade England. But the great central fact of our national prosperity they discreetly ignore, and I submit that that fact is not to be obscured or answered by mere noise or by theory, or by bellowing about Carnegie. Adam Smith's theories have been tested in this country on a gigantic scale. Why not look at the result of the experiment?

One hundred years ago this was essentially an agricultural nation, and there has been no day from that time to this when the application of your theory, that we should consult the immediate needs of the consumer, that we should give our attention to those things that would at once and most easily turn a penny, would not have directed our growth in the direction of a purely agricultural development.

As England and other countries supplying us with manufactured goods might have needed more bread, we should have reclaimed more land, until to-day we should be mere producers of raw materials in competition with Australia and the South American Republics. With land so plenty that each man could have his own farm, at any given time the laborer would earn more in tilling his own soil than in working in a factory in competition with similar labor abroad. With us, land was plenty

and cheap; abroad, it was comparatively scarce and dear. The free play of the theories of Adam Smith, whose laws have so often in this debate been confused with the ordinances of the Almighty, would have made us essentially an agricultural nation.

It was the happy fortune of this country that it was guided in its early days by men who took a broader view than that the immediate interest of consumption was the general interest. The good sense of Washington and those who aided him in laying the foundations of the Republic shaped for the young nation a far better destiny and started it under brighter auspices on the highway of nations.

Built to work out the sound aspirations of those immortal statesmen, and not an impracticable pedant's dream, the Republic has gone on to conquer and civilize the vast areas of her territory and to become great in every essential that goes to the making of a state. And she has conquered more. Mighty in her own growth, her achievements in invention and in every liberal pursuit have been of incalculable benefit to the world at large, and she has developed into a splendid agency for the uplifting of mankind. She is the practical answer to your theories, and also to your miserable assumption, made to masquerade in this debate as broad philanthropy, that the children of Adam the world over are poorer because of her prosperity. . . .

The difficulty is that the theorist measures everything here by a standard of price that exists in England or some other foreign country, and finds the domestic price by adding to the foreign price the cost of removing

the obstacles necessary to land a given article in our market. It is immaterial, so far as the theory goes, whether those obstacles are natural or artificial ones set up at the custom-house. There are certain industries to-day in this country which are protected from foreign competition by obstacles that are insuperable. In these cases the Chinese wall towers to the skies. The protection is equivalent to a rate of duty infinitely high. What conditions prevail in such industries? For instance, distance with regard to many articles of commerce has by the invention of modern times been practically done away with. But it is not yet possible to land on our shores European newspapers on the morning of their publication. If what is accomplished by distance were accomplished by a tariff, we should hear a great deal about the terrible exactions of the daily newspaper trust, the tax upon light and intelligence and the monstrous burdens laid upon our people. But since this obstacle has not been produced by the tariff, it has not occurred to any one to deny that our daily newspaper press, though far from perfection in many respects and partaking of our national faults, gives more for the money than any other newspaper press in the world. . . .

The free-traders, as if the classification settled the whole question, divide mankind into consumers and producers. Then they assume on this artificial line that as consumption makes production necessary, and we never consume simply because we have produced, we should only have a care for the immediate interest of the consumer. They do not consider the fact that in order to be consumers men must first be producers. It is

necessary for man to consume, and it is first necessary, therefore, for him to produce. A policy which would regard him simply as a consumer would leave out half of the problem. The immediate interest of the consumer would require the breaking down of every tariff wall.

Things for the day would doubtless be cheaper, but when millions of men thereby cease to be producers they very quickly cease to be consumers and starve.

In 1899 Mr. McCall was made a member of the Committee on Ways and Means, and he continued to serve on that committee until his retirement from the House fourteen years later. At the time of his first appointment, the Dingley Act of 1897 was in force. That measure had been framed when public sentiment was in a state of violent reaction against the Wilson-Gorman Act of 1894. The duties were therefore made unreasonably high, even from the standpoint of a protectionist, and it was easy to see that the adoption of the measure would be followed immediately by agitation for its revision. When that measure was before the House, Mr. McCall urged that the schedules be made more moderate in order that they might have some chance of permanence. In the debate on March 29, 1897, he said: —

With all due respect to the Committee on Ways and Means, and its chairman, whose fine capacity I

admire, I think we might safely moderate some of the duties of this schedule. Our manufacturers and business men want a tariff law which will stand. They are weary of being forever upon the rack, of passing through the crucible of tariff agitation every four years, and of having the price of every article of the commerce and trade of this great country constantly in danger of change by tariff legislation. What they long for is industrial peace and a settled and permanent order, so that they can mature their plans for years in the future, instead of working from hand to mouth and skulking between Presidential elections. We should be careful not to put in any of the schedules of our law an invitation to further agitation, or place there the germs of a new reaction. After the disastrous experience of the last four years, the country is prepared to accept a broad and rational application of the doctrine of protection; but the course of moderation is the course of safety.

It had been urged by the friends of the Dingley bill that the Republican victory in 1896 had been so overwhelming and the Democratic Party was so disrupted that no opposition to the Republican programme need be feared. Mr. McCall did not share this view. He pointed out that while a million Democrats had voted for McKinley, six and a half millions had voted for Bryan.

Let us, then, take counsel of our reason. Let us pass a law with a moderate but sufficient measure of

protection, and not put weapons in the hands of our adversaries and, by resorting to any extremes, alienate those splendid allies who came to us from the Democratic Party.

It was in this speech that Mr. McCall first stated his conception of the principles which should govern the formulation of a protective tariff.

The argument advanced upon this floor that we should make protective duties not merely cover the difference in cost of production here and abroad, but also the difference in rates of freight from foreign ports and from our inland points to our seaports, is one the ingenuity of which I can admire much more than its force. The people of our Northern Atlantic seaboard do not have direct access to the iron ores or coal. Their territory is poor in natural resources. In that respect they are at a great disadvantage with the States of Pennsylvania and Alabama and Tennessee. But they have one great natural advantage. They have the sea. In my humble opinion the doctrine of protection does not require this to be taken from them any more than it requires the coal mines of Pennsylvania to be closed in order that the sea may be more profitable to those upon its shores. Is that doctrine to be carried to the extent of holding that duties shall be levied and Pennsylvania and Alabama and Tennessee shall be protected, not merely to the extent of the difference in the cost of production in those States and abroad, but that they shall be protected against the beneficent forces of na-

ture which it is the birthright of other less-favored portions of their own land to enjoy? This freight argument requires that the people of New York and the New England States, with their ships swinging idly at their wharves, should refuse a service which would be performed for them without cost by the free winds of heaven, in order to support long lines of railroads, and that in the carrying of heavy freights over rivers and mountains and hundreds and perhaps thousands of miles of territory there should be uselessly consumed the coal which a kind Providence had stored up for the use of future generations. This argument is largely based on the theory that the people were made for the railroads and not the railroads for the people. There is no place in the economy of this nation, or of the race, for such wanton waste as this. It would be as rational for you to bar out the sunshine in order to stimulate the manufacture of electric light.

That is not the sort of protection in which I believe. If a given industry is established here, if we have natural advantages for carrying it on, then the amount of protection which can fairly be asked is a duty which will suffice to cover the difference in the labor and other cost of producing the article here and producing it abroad, and a slight additional margin to protect our producers in times of industrial depression or overproduction abroad. If you go beyond that, you are liable to drift upon the rocks of extortion, of monopoly, and ultimately of Populism.

In the debate in April, 1902, on a bill for the establishment of reciprocal trade relations with

Cuba, Mr. McCall again indicated some of the limitations which should be observed in the application of the principle of protection. This is not an immutable law, operating like the law of gravitation, without regard to changes of time or circumstance. It should be applied when it will work to the national advantage, and not otherwise. In discussing the advisability of attempting to foster the growing of sugar cane in the United States, Mr. McCall said:—

As to the future of cane sugar in the United States, I can see little ground for optimism. It seems to me it cannot stand beet-sugar competition at home when that industry shall be developed. People who are engaged in that industry, if they take a far look ahead, will prepare to use their fields for some other purpose. Cuba is one of the few countries in the world where cane sugar can be raised in competition with the beet sugar of other nations. They need only to plant their cane on the average once in every ten years. In Louisiana it must be planted every two years at a cost, as was testified, of twenty dollars an acre. It is a rational application of protection to develop those industries which we are by nature fitted to carry on, but a mere exotic industry, which we are not fitted to carry on and which must be maintained by a perpetual tax upon the American people, is something which does not come within any proper application of the doctrine of protection.

If the soil, the sunshine, and the air of Cuba will do work for the American people which those same natural

agents refuse to do in our own country, it would be the grossest kind of waste for us to refuse to accept the benefit of those blessings and forever to put upon poor human nature the burden of doing the work which Nature herself would do for us with her lavish hand. We have enough of avenues for the profitable employment of labor without taxing ourselves to maintain industries which can never be profitably maintained.

In his discussion of the Payne bill (April 1, 1909), he again stated this underlying principle with great clearness and force: —

The only justifiable object of a protective tariff is to develop in our nation the industries which it is naturally fitted to carry on. It should not have for an object to divert labor into channels where it would be employed at a disadvantage. The gospel that labor in itself is a blessing is preached by those who have practiced it but little. A country with poor natural resources and a sterile soil, where a man could wring from nature only with great difficulty the bare means of subsistence, would be the ideal sort of a country, according to some gentlemen's ideas of labor. There every one would have an opportunity to work and to work hard. But such a country would be a proper home for a penal colony and not for a nation. [Applause.]

Blessed as we are with an unexampled variety of splendid natural resources we should not by legislation make our country to any degree the sort of a land to which I have just referred. We can employ our labor with profit upon those natural resources which are ours

beyond question, and we do not need to go into the hothouse business and to divert the labor of America into doing those things which the sunshine and the climate of other lands would do for us with only a slight contribution from labor. Where we are fitted by nature to carry on an industry with a given amount of labor as well as it can be carried on abroad, we should develop and encourage such an industry; but when we embark upon lines which must be followed permanently at a disadvantage, we waste labor and do violence to the laws of nature. Where the difference in the labor cost of production is caused, not by the greater amount of labor required, but by the greater wage, there protective laws should intervene. Let us employ our labor in doing those things which we can do to the best advantage and permit foreign nations to do the work which they have greater natural advantages for doing, and then exchange our products with them. That is the sound basis for industry and for international trade. There is a great deal of truth in the celebrated saying of Bentham: "Industry makes of government as modest a request as that of Diogenes to Alexander, 'Stand out of my sunshine.'"

The Dingley Act had not been long in operation when the outbreak of war with Spain raised a set of new questions which for several years quite obscured the tariff. But on the restoration of peace, agitation for a reduction of duties again set in and became more and more insistent. The Democrats had so fully committed themselves

to the economic hallucinations of Mr. Bryan as to make their party an object of fear and apprehension. Extreme protectionists, incited by Mark Hanna to "stand pat," contended that when the tariff was revised it must be done by its friends. Moderate men, who only asked that the schedules might be put upon a rational basis, had little to hope for from either of these groups. But the demand for revision persisted, and the Republican Party committed itself to undertake it. The need for it was brought before the House in January, 1906, in a speech by Mr. McCall which attracted attention throughout the country. He told the House of the growing demand on the part of great industries that they be relieved of the outworn schedules of the Dingley Act. In defense of the outspoken sentiment of Massachusetts he said: —

> What is her fault to-day? It is that under her system of untrammeled freedom of speech and of public discussion a great and increasing number of her people have dared to think and to say that the whirling changes of the nine years that have elapsed since the passage of the Dingley Act have thrown some of those great schedules out of gear with existing conditions, and that some duties, just, or at least harmless at the time they were enacted, have, by reason of industrial combination to stifle internal competition, and from other reasons, become exorbitant, and instead of protecting the people

they are shielding monopoly and aiding it to pick the pockets of the people. [Applause.]

And they are somewhat weary of seeing that ancient friend of ours paraded upon ceremonial occasions, namely, "If the tariff is to be revised, let it be revised by its friends." If the tariff can ever be revised by its friends, can it not be revised by a Congress two thirds of whose members in both the Senate and the House are Republicans? [Applause.]

I think that our noble governor never said a truer word — that a truer word never was spoken — than when he said that upon a "stand-pat platform" last fall the State would have been lost to the Republicans.

Now, the people of Massachusetts are only thinking a little in advance of some of the people — not all of the other people — of this country. Soon this idea will invade New York and Illinois and Ohio, gathering force as it moves; and I say to you that if we do not treat protection as a rational principle, instead of a cast-iron, immutable set of schedules, we are liable to have the Democratic Party, and then possibly the deluge. [Laughter and applause.]

It was in commenting upon this speech that the New York "Sun" declared Mr. McCall to be "one of the ablest men in public life," and a few days later it again characterized him as "perhaps the most intellectual man in the House and without doubt the most independent."

On March 21, 1906, Mr. McCall, on behalf of the Republican members of the Massachusetts

delegation in Congress, addressed a letter to the chairman of the Ways and Means Committee of the House, calling his attention to the fact that the last Republican national platform declared that "rates of duty should be readjusted only when conditions have so changed that the public interest demands their alteration," and that in the judgment of Massachusetts Republicans conditions had so changed as to demand readjustment, and asking that the Committee begin the consideration of the tariff with a view to its revision. To this the chairman replied that a majority of the Republican members of the House were opposed to such action, and added, "Congress is not prepared to review the tariff schedules in that calm, judicial frame of mind so necessary to the proper preparation of a tariff act so near the coming Congressional elections." But the events of the next few months showed that Mr. McCall's statement that "the people of Massachusetts were only thinking a little in advance of some of the people" was well-founded. In 1908 President Taft was elected upon a platform which definitely committed the party to a revision of the tariff.

When the Republican Party finally undertook the work of tariff revision, Mr. McCall was not only an influential factor in bringing it about, but

as one of the oldest members of the Committee on Ways and Means he had an important part in the framing of the new measure and in explaining it to the House. In the form in which it passed that body it was a sincere effort to revise the tariff in accordance with the pledges made in the Republican platform. Even as amended by the Senate and finally enacted, the New York "Nation," which has no bias in favor of protection, declared it to be the best tariff ever enacted by the Republican Party. And Mr. McCall's judgment upon the completed act was that it represented "the greatest reduction that has been made in the tariff at any single time since our first revenue law was signed by George Washington."

Mr. McCall's chief speech upon the Payne bill was made in the House April 1, 1909. He was far from endorsing all the features of the act. He had no fancy for the inheritance tax nor for the tax on tea, nor did he approve of all the increases and reductions which were made. But the bill dealt with more than five thousand articles of commerce, and such a measure necessarily entailed much compromise of opinion. After a prolonged debate, it passed the House by a vote of 217 to 161. In the Senate it suffered the fate which usually befalls revenue measures at the

hands of that body, and on its return to the House from the conference committee there was serious question as to whether the Republican majority would accept it. Mr. McCall, as indicated above, was not satisfied with the bill in all its parts when it was first reported to the House. He was less satisfied with it in the form in which it passed the House, and his dissatisfaction was vastly increased by the changes made by the Senate. Nevertheless, he urged the House to accept the conference report. Much as he objected to many features of the bill, he believed that it was a great improvement upon the existing law. He felt also that the honor of the Republican Party and its duty to its President required the passage of the bill. The party was pledged to a revision of the tariff downward, and while this bill did not go as far as Mr. McCall wished, he believed that its rejection would lead to the abandonment at that session of all further attempts to reduce the duties.

When the tariff again came before Congress in the summer of 1911, Mr. McCall was able to justify his faith in the Payne bill by pointing to accomplished results. He was able to show that in the fiscal year ending June 30, 1911, the free imports into the United States had been $770,000,000, while the dutiable imports had

amounted to only $749,000,000, upon which duties amounting to $313,000,000, or an average *ad valorem* of 20.54 per cent, had been collected. This was a lower *ad valorem* than had been imposed either by the Wilson bill, the Dingley bill, or the McKinley bill. "And yet gentlemen say that this was revision upward." At the same time the total exports from the United States exceeded two billion dollars — the largest in the history of the country.

An important phase of tariff legislation with which Mr. McCall had much to do concerned reciprocity with neighboring countries. The acceptance of the principle was not inconsistent with the maintenance of a protective policy, and many of the most ardent advocates of extreme protection had also supported various forms of reciprocity. In one of his first speeches on this subject, Mr. McCall said: —

I think "reciprocity" is a word that no gentleman on either side of the House can properly take offense at. I believe that the first reciprocity treaty was negotiated by Richard Cobden, and that the greatest advocate of reciprocity in our time was William McKinley. The name of one is a synonym for free trade, and the name of the other is a synonym for protection.

Reciprocity goes upon the theory that there are oftentimes, in the relations of two peoples, conditions that make it peculiarly proper that they shall have reciprocal

trade arrangements with each other. The position of Cuba, her political relations to this country, the fact that American interests predominate there, the fact that we buy nearly all she has to sell, and sell her a great portion of what she buys, make her case, it seems to me, as strong a one as could be imagined for the application of the principle of reciprocity.

In the case of Cuba the argument for reciprocity might be based either upon the economic advantages which would result to both countries or upon the moral obligation resting upon the United States to do all that was in its power to set Cuba upon its feet. Mr. McCall believed that the policy was sound from whichever standpoint it was approached. The chief opposition to the measure on economic grounds came from the beet-sugar interests, which attempted to win support for their cause by conjuring up the Sugar Trust. In the debate, on April 14, 1902, Mr. McCall said: —

I do not think it is exactly fair to discredit the cause of Cuba by bringing in the Sugar Trust or by holding up the Sugar Trust as the beneficiary of this legislation. Of course we understand that the Sugar Trust is a bogy that it is always safe to batter, but I do not think that in the consideration of an economic question we should be frightened from looking at the facts as they are in the light of economic principles. . . . I for one decline now, as I did two years ago, to

be frightened from the calm consideration of an economic measure by this conjuring with the octopus. . . .

Mr. McCall then suggested some of the probable consequences of the rejection of the measure. Suppose Congress should refuse to foster Cuban industry, and that in consequence the Cuban people should suffer such financial distress as to lead to outbreaks of disorder in the island. For the protection of life and property and the reëstablishment of stable conditions, the Government of the United States might assume permanent control of Cuba.

What will become of the beet-sugar industry then? I confess it is hardly a satisfactory answer which gentlemen give to that proposition, to say to us grandly that we will face that crisis when we reach it.

It is a simple question: What will the beet-sugar industry do if Cuba is annexed? It will not meet the point to say that they will then have to produce sugar under a protected market and with severe anti-immigration and anti-contract-labor laws, because the provisions of this bill will put upon Cuba, if she shall assent to them, our own contract-labor laws and will put her under our protected markets, so that practically all her supplies bought from other nations will be purchased in this market.

If our beet-sugar industry cannot hold its own with Cuba, with a specific duty equal to 67.5 of the cost of Cuban production, what will happen when Cuban sugar

has absolutely free access to our market? The great threat to the sugar industry of this country does not come from this bill, but it will come from a failure to pass the bill. It will come from a condition which makes annexation necessary. Viewed, therefore, simply from its economic aspects as a measure to promote international trade, I think it is entirely clear that the pending bill will be for the interests of both countries and will injure no class of people in either nation.

When the Payne bill was before the House, Mr. McCall urged that the peculiar geographical relations between the United States and Canada be considered, and that the duties upon certain products be mutually remitted. The argument in favor of such a policy with regard to coal was stated in these words: —

I will now speak concerning the paragraph for reciprocity on coal, which, in effect, means that if Canada will admit our coal free of duty we will extend the same privilege to her coal. In the last fiscal year we exported to Canada 8,592,296 tons of coal and imported from the same country 1,297,405 tons. It will be seen that our exports to Canada considerably exceed our imports. Each country has a duty against the coal of the other. The coal question as between the two countries largely resolves itself into a question of freight. A glance at the map will show that. The great Province of Ontario is remote from the Canadian coal-fields and near to our own coal in Ohio, Pennsylvania, and West Virginia. On the other hand, our northeastern seaboard

is remote from our own coal-fields and contiguous to the fields of Nova Scotia. By setting up mutual barriers against coal it can be transported from the mines of Canada farther into the central parts of that country and can also be carried from our mines farther into those regions of this country which would naturally be served by the Canadian coal. These tariffs are expended in each case in paying the useless hauling of freight. If we remove them, we shall supply from our mines the territory of Canada naturally tributary to them, and our own people, who are nearer the Canadian mines, may have an opportunity to get access to them. Why should each nation create artificial barriers in order that labor may be uselessly employed in carrying this heavy commodity? The reciprocal removal of the coal duties will thus take off a tax upon the coal miner and the consumer of both countries and will benefit both.

More far-reaching than either of these proposals was the measure introduced into the House in 1911 which provided remission of duties upon a considerable number of Canadian products in return for similar concessions by Canada. The action taken by Canada in response to the advances made to her has removed the question from the field of practical politics, but the episode played too important a part in our history to be ignored. For many years statesmen in both countries had been impressed by the fact that purely artificial barriers prevented trade from fol-

lowing its natural channels. On her northern border Canada was lost in the uninhabitable regions of the Arctic. To the east and west she was hemmed in by vast expanses of ocean. To the south lay a rich and powerful neighbor, from whom she was separated by only an imaginary line, and from whom, in spite of her comparatively small population, she purchased more goods than the United States sold to France, and almost as much as we sold to Germany. The value of the exports from the United States to Canada equaled the value of the exports from Great Britain to her Indian Empire. The great frontier of thirty-seven hundred miles — the longest frontier between any two countries — did not offer a single natural barrier to the freest intercourse. It is not strange that many statesmen in both countries had sought to remove the barriers created by law. Both Blaine and McKinley had advocated it. President Roosevelt approved of it, and President Taft made it one of the chief measures of his administration. It was at the request of President Taft that Mr. McCall introduced the bill and took charge of it in the House. His chief speech upon it was, in point of clear analysis, learning, and eloquence, one of the most important which he delivered during his whole term in Congress. Opponents

of the bill cited the example of Bismarck who had imposed duties upon imports of agricultural products into Germany. To this Mr. McCall replied, "Bismarck did not establish agricultural duties so much for the sake of agriculture as to placate the powerful agrarian element and establish generally in Germany the policy of protection." He also showed how in other ways the agrarian element dictated the policy of the German Government.

Many persons feared that the cheaper agricultural lands of Canada would prove attractive to young men from the United States, and cited the State of Iowa, whose population had decreased in the preceding decade, as an example of the results to be expected. To this Mr. McCall said:—

> Young men have gone from Iowa because they could get more land in Canada than at home. . . . Suppose they shall found upon the eastern slopes of the Canadian Rockies a newer and a fairer Iowa. Who is there who will not wish them Godspeed? [Applause.]

Again, the opposition urged that just as the farmers of New England had gone down before the competition of the Western farmers, so the latter would be the victims of the farmers of Canada. To this Mr. McCall said:—

So far as competition with Canada is concerned, if North Dakota, which has a longer summer and a shorter winter than Canada, can be a part of the same agricultural domain and can compete with Kansas and Iowa and Oklahoma and those wonderfully rich lands toward the south, lands as fertile as those in Campania, where, as Virgil said —

> "Summer borrows months beyond her own;
> Twice the teeming flocks are fruitful,
> Twice the laden orchards groan" —

if North Dakota can compete with lands like these, what has she to fear from the more frosty Alberta? What has Minnesota to fear from Manitoba when she can prosper side by side with Iowa and Nebraska?

The opposition really centered upon the argument that the adoption of the bill would lower the price received by the American farmer for his wheat. Mr. McCall showed conclusively that so long as the United States exported wheat, the price received by the American farmer would be fixed in the market which took his surplus, and he concluded his speech with this beautiful passage: —

> The boundary line between these two countries stretches, as I have said, for thirty-seven hundred miles. There is no modern fort along that line. After the War of 1812, by the Rush-Bagehot Treaty, we agreed to have no further armaments upon the Great Lakes, although two of the chief battles of that

war had been fought upon them. Great cities, with billions of dollars of property, with fabulous wealth, have grown up along that boundary. They are not defended by a single gun, but there are no cities in all the world that are more safe, because they are fortified and guarded by the good sense, the common interests, and the friendly sentiments of two great nations. [Applause.] We have forts, it is true, and guns along that line, but they are antiquated and the survivals of a time long past. And we have made the dreams of the poets come true, for the boys wage mimic wars in the crumbling embrasures of the forts, the birds build their nests in the lips of the cannon, and little children play upon them and clasp their silent throats. We can just as safely dismantle the tariff forts between the two countries. Canada is one with us in sentiment. She is one with us in all the strongest ties that can draw nations together; and I trust that this side of the House will vie with that side of the House and support the President of the United States in the enlightened and civilized policy proposed by this bill. [Prolonged applause.]

The measure was duly adopted by Congress, and was made the issue in the ensuing electoral campaign in Canada. There it was defeated, largely through the fears aroused by the levity and irresponsible utterances of an American politician, who seemed not to realize that his occupancy of the high office of Speaker of the House gave to his words abroad a weight to which their

intrinsic merit did not entitle them, and which they did not have at home. When the subject came before Congress again in the summer of 1912, Mr. McCall said:—

Reciprocity was pressed upon the attention of Canada as involving annexation to this country. If I were to give an opinion upon that point, I should say that those political ties are most apt to be permanent which coincide with the material interests of a people, and that such ties are subjected to a severe strain when they are maintained at the sacrifice of natural advantages. If I am correct, then reciprocity would certainly not weaken the present political relations of Canada. Political relations are in greater danger from laws which stand in the path of commerce than they are in from laws which recognize commercial rights. The Tories of Lord North's breed on both sides of the Atlantic should remember that taxation laws framed to divert trade from its natural channels will be more fraught with danger to the continued possession by Great Britain of her colonies than the more enlightened policy which she has recently been pursuing. If the great Provinces of Alberta and Saskatchewan and Manitoba are prevented from trading with their neighbors across the border, in Minnesota and other States, and if the price of their continued allegiance to the British Crown is to compel them to send their produce two thousand miles to the seaboard and then across the ocean, and to pay preferential duties of thirty-three per cent in order to force them to consume British goods, then I

think no better way could be devised to lead those great Provinces to drift away from Great Britain and to cause the dismemberment of the Empire.

But this is no concern of ours. Canada must work out her own destiny. It is for her to say whether the obstruction of the pathway to her natural markets, whether, indeed, complete non-intercourse with the United States, will be the tie to bind her more firmly to the motherland. Even in that event I imagine we shall be able to survive. This arrangement will benefit us, but Canada relatively much more.

CHAPTER V

THE SPANISH WAR AND ITS PROBLEMS

THE presidential election of 1896 turned chiefly upon the money question. The explicit declaration in the Republican platform in favor of the gold standard and the equally explicit declaration of the Democrats in favor of the free coinage of silver, together with the well-known views of that party's nominee, caused the question as to what should be the country's monetary standard to overshadow all others. For almost a generation, however, another question had vexed succeeding administrations at Washington, each of which had been glad to hand over the problem to the next for solution. The island of Cuba, a colonial dependency of Spain, had been in a condition of disorder for many years. Its proximity to the United States and the extent of American interests in its commerce, and the stories of the inhumanity connected with the warfare in the island, made the restoration of order a matter of pressing importance to the American Government. When feeling in this country was already almost at the breaking point, the

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American battleship Maine was sunk, on February 15, 1898, in the harbor of Havana. The cause of this disaster still remains unknown. Nothing, however, has ever been disclosed which in any way implicated the Government of Spain. But whatever the cause, the conviction grew that the dominion of Spain in Cuba must cease. In Congress, so far as is known, there was absolute unanimity of opinion on this point. The only question which still remained open was as to the method by which the desired result should be accomplished. It is now known, on the testimony of General Woodford, American Minister to Spain in 1898, that the Spanish Government also saw that withdrawal from Cuba was inevitable, and was prepared to submit. He has given it as his opinion that a further delay of twenty-four hours would have resulted in the acceptance by Spain of proposals entirely satisfactory to the United States. But Congress was bent on war, and only such a President as Grover Cleveland or Thomas B. Reed could have withstood the pressure brought to bear in support of that policy. President McKinley could not, by the wildest flight of the imagination, be compared in staying power with such men as Cleveland or Reed, and the war came.

When it was seen that hostilities might be

imminent, a resolution was introduced in the House appropriating fifty million dollars to be expended at the discretion of the President for the national defense. Mr. McCall supported this resolution, "because it is a prudent measure of defense and is in no sense an act of aggressive war." The bill passed the House unanimously. After the receipt of the report of the commission appointed to investigate the sinking of the Maine, — an investigation in which the Government of Spain was not allowed to participate, — President McKinley threw up his hands and transmitted a message in which he said, "The issue is now with Congress." In the early hours of April 19, 1898, the House adopted a joint resolution making demands upon Spain which inevitably entailed war. Mr. McCall was one of the six members of the House who voted against it. Of these six who were strongly in favor of the utmost utilization of the resources of diplomacy before resorting to war, — a course which General Woodford believed would be successful, — four had served in the Civil War and knew what war meant. The other two were too young for such service.

The attitude of Mr. McCall toward the war with Spain was like that of Lord Bryce toward the South African War. Bryce looked upon that war as unjustifiable, but having been begun he

assisted the Government in fighting it out and bringing it to a conclusion. So likewise Mr. McCall voted in Congress for all the measures which were necessary for the prosecution of hostilities after they had once been begun. In the discussion of the war revenue bill, on April 28, 1898, after saying that there had been differences of opinion as to "the wisdom and the justice and the expediency of this war," Mr. McCall continued:—

> Since war has been declared by the high constitutional authority of this Government, and our warships have been set in motion, and our youth have been summoned from their homes, — destined, perhaps, like the youth of Athens, "to perish from the city like the spring from the year," — the high, and urgent, and patriotic duty that is upon us now is to give to those men whom we have summoned into a position of danger our prompt, ungrudging, and generous support.

The war with Spain was in itself a matter of small moment. To be sure, it disclosed that a training camp in the United States was attended with greater danger to the enlisted men than a battle with the Spanish forces, and the administrative methods of the War Department were almost criminal in their inefficiency. The chief importance of the war with Spain, however, lies in the annexation of territories which are not now

and never can be fit for admission to the Federal Union. For the first time in our history territory was annexed which, from its situation and the character of its inhabitants, can never be held as anything else than a dependency. It has been the great good fortune of the United States that prior to 1898 every one of its territorial acquisitions consisted of lands possessing almost no inhabitants and well fitted by nature to become the home of people of the white race. With the acquisition of the Philippines the country entered upon a course which necessitated the holding of tropical territories not only unfit for settlement by a white population, but also inhabited by some seven million people who accepted American rule only when it was forced upon them at the point of the bayonet. The situation of the islands also involved their possessors in Asiatic politics to a degree incommensurate with our interests in that quarter.

The acquisition of Porto Rico, in view of its proximity to the United States, was natural, and if it had been followed by the bestowal of American citizenship upon its inhabitants would have met with general acquiescence on their part. The Philippines were annexed apparently because President McKinley did not know what else to do with them. There have been few instances in the

history of the English-speaking race when policies of the first importance have been determined by a man who seemed to be actuated so little by any guiding principle. A few months after the annexation, when the United States was bending all its efforts to subjugating the Filipino insurgents, — a task which occupied it for some years, — President McKinley solemnly declared in a message to Congress, "I had every reason to believe, and I still believe, that this transfer of sovereignty was in accordance with the wishes and the aspirations of the great mass of the Filipino people."

In the decision that the Philippines should be acquired by the United States, the House of Representatives had no voice, but their acquisition and that of Porto Rico raised a set of questions in constitutional law and governmental policy which were entirely new in American history. Their solution was made the more difficult by the fact that the Government had adopted no policy with reference to which its action on measures affecting our colonial dependencies should be framed. Whether legislation was to be formulated for a group of tropical islands which we expected to hold in permanent subjection, or in which we expected to establish an autonomous government under an American protec-

torate, or from which we intended soon to withdraw, leaving the government in the hands of those to whom nature gave it — nothing of this had been decided. In the debate on the Army Bill in December, 1900, Mr. McCall argued that it was the duty of the United States to make up its mind as to what disposition it intended to make of the islands:—

It seems to me the time has arrived at last when the question of the ultimate relations of this country to the Philippine Archipelago should be considered and our position as a nation declared. Before the treaty we were told that the question could not with propriety be discussed; that we were at war with Spain, and that a discussion of that character should wait the return of peace. After peace had been declared, and we had bought from her the civil war which we had at least encouraged against her, we were told that it would not do to discuss the ultimate relations of the Philippine Islands with us while they were in what was called a state of rebellion against their purchasers. We have been told, however, with a good deal of iteration by our generals and commissioners and other civil officers, that the organized rebellion was broken up; that an appearance of war was only kept up by the hope of a political occurrence in this country which has not taken place.

If the question cannot with propriety be discussed to-day, if we must wait until the Philippine Islands are as peaceful as Ohio or Massachusetts, I fear that it

will never become proper for us to discuss what our duties and our interests demand, but we shall be thrust along to one ill-considered step after another until our position shall become irretrievably fixed. In my opinion our policy in the Philippines should have been declared at the outset and should have been a similar policy to that which we declared for Cuba. Unfortunately, our course was consistent with no other theory than that the Filipino had been fighting simply for a change of masters and that the yoke of the United States might be substituted for the yoke of Spain. If we had practiced a similar policy in Cuba, which some influential gentlemen seem to regret, who can doubt that we should have had a war in Cuba as we have one in the Philippine Islands?

In his discussion as to what the policy of America toward the Philippines should be, Mr. McCall resorted in his accustomed manner to fundamental principles. He pointed out that, geographically and ethnologically, the people of those islands and the people of the United States are poles apart. This in itself constituted such an obvious barrier that no advocate of retaining the islands had ever suggested that they be made a part of the American political system. The islands were also unfit to become a colony to which the surplus population of the United States could be sent. Even if we had a surplus population, the white race cannot colonize the

tropics, and particularly it cannot colonize the Philippines which are already as densely populated as New England. But all of Mr. McCall's arguments on the Philippines come back in the last analysis to the fundamental precept that one people has no right to subjugate another. He accepted literally the doctrine of the Declaration of Independence, that all governments "derive their just powers from the consent of the governed." But it was said that the Filipinos were incapable of self-government. To this Mr. McCall replied that doubtless they could not maintain a government which would rank very high according to American standards, but whatever government they fashioned for themselves would be better than any government that could be forced upon them by an alien power. "The Filipino," he said, "does not, perhaps, come up to Anglo-Saxon standards and should not be judged by them. . . . He seems advanced enough, however, to fight for his freedom. Give him the benefit of that."

At a time when governmental expenditures are increasing at an appalling rate, the cost of holding the Philippines is an important consideration. In his speech on the Army Bill, December 5, 1900, Mr. McCall said, "As a portion of the cost of retaining the Philippine Islands

we are to include the maintenance of the greater part of the army established by this very bill"; and he proceeded to show that the amount expended by the United States for military purposes was greater than the combined expenditure of France and Germany. Men who have held high office in the Philippines have solemnly assured us that the possession of the islands costs us nothing. Yet within the last few weeks high naval officers have informed committees of Congress, who are formulating legislation to meet the new demand for national preparedness, that without the Philippines two warships would do the work of three. In other words, the possession of this outpost in Asia requires a naval force fifty per cent larger than would otherwise be necessary for adequate national defense. And yet we are told that the Philippines cost us nothing.

Mr. McCall's speech on the Army Bill was noteworthy for its thorough examination of the experience of other countries in the management of colonies. In this he gave an illustration of that characteristic of which the Washington "Post" said, "The Massachusetts member has a reputation for going pretty thoroughly into questions on which he undertakes to address the House." Mr. McCall appealed to the history of England in Jamaica and in India, to the experience

of France in Tonkin and Madagascar, and to that of Italy in the districts conquered from Abyssinia, all of which showed that these colonies were from a financial standpoint losing ventures. And there was no reason to hope that the Philippines would be any more profitable to the United States than the tropical colonies of other countries had been to them.

Mr. McCall also showed that the annexation of territories outside the western hemisphere greatly weakened our position with reference to our one great tradition in foreign policy known as the Monroe Doctrine:—

> The assertion of a policy of Asiatic domination will bring the Monroe Doctrine tumbling about our ears, for we shall make ourselves the laughing-stock of mankind if we say to the overcrowded nations of the other hemisphere, "Keep your hands off the empty and unoccupied portions of this continent," and then at the same time, having a sparse population, embrace a thousand islands in the other hemisphere. Such a course would deprive the Monroe Doctrine of the last appearance of justice, and thenceforward it would have to stand upon force alone.

He also pointed out that the holding of the Philippines would add another to the race problems with which our country is troubled and which seem necessarily to arise whenever men of Anglo-

Saxon blood attempt to rule a people of another color. The experience of England in Africa, India, and China, as well as our own experience in the South and in the Philippines since the date of Mr. McCall's speech, amply justify his warning. The speech concludes with a fine tribute to the spirit in which the Filipinos were endeavoring to maintain their independence:—

I have seen this spirit called somewhere, and I think admirably called, the "unconquerable spirit." It is the spirit that kept George Washington fighting after Valley Forge. It is the spirit which animates DeWet to-day in South Africa after the organization of the republican armies has been destroyed and they have been broken up into bands of roving patriots. It is the same spirit which, according to the reports of our own generals, has broken down tribal lines and made the people of the Philippines unanimous in their hostility to this nation. It is the same spirit which would have shown itself in Cuba had we turned our war of deliverence in that country, as we did in Asia, into one of conquest. Those who think that the Filipinos continue to wage against us the war we purchased from Spain because of some speech made by somebody against the treaty have read history to but little purpose, if, indeed, they have read it at all. They are inspired by that same unconquerable spirit which is the noblest heritage of the human heart, which I am glad to believe is universal; it is man's best title to freedom, and that is the spirit to wage unrelenting war in behalf of liberty.

The Spanish War and its Problems

The Empire of Great Britain never attained a loftier moral stature than when, after Majuba Hill, she showed herself willing to do justice to the Boers. Standing almost peerless in physical strength among the nations, she displayed that nobler and more essential quality of greatness when after a reverse she yet listened to the demands of that weak little republic in South Africa. That act of Gladstone's strengthened his country in the hearts of men the world over; and it will shine in history all the more brightly in contrast with the brutal and merciless policy of extermination which is now shocking the sensibilities of Christendom. But how much easier is it for us to-day to pursue a policy of justice? We have suffered no reverse, or none indeed unless it be a moral one which our own conduct has inflicted. The organized armies have been dispersed. The Filipino leader, whom we bore to Luzon with arms in one of our own ships, has been driven by us to the caves of the mountains, if indeed he yet lives. The time has come when we should frankly declare to those people our ultimate purpose toward them. Let us give them that assurance which all our history inspires. Let us tell them that we will aid them for one year — for five years if need be — in setting up a government of their own, symbolized by their own flag, and that we will leave with them all that is most glorious in the meaning of another flag — liberty, independence, self-government.

The annexation of Porto Rico as a result of the war with Spain was so obviously fitting and so much in accord with the feeling of its inhabit-

ants as to occasion little dissent, but its relation to the United States after annexation and the constitutional status of its inhabitants provoked wide discussion. Mr. McCall took the view, which still seems to be in strict accordance with every decision of the Supreme Court prior to Downes *v.* Bidwell (1901), 182 U.S. 244, that the authority of Congress to legislate for Porto Rico and the Philippines was subject to the restraints of the Constitution, and that the inhabitants of the insular possessions were entitled to the protection of the guaranties of that instrument. Mr. McCall's speech on the Porto Rico tariff, delivered in the House February 22, 1900, was a close-knit constitutional argument and shows what eminence he might have attained as a constitutional advocate had he chosen to devote his labors to the bar. Almost a year later ex-President Harrison, in what was probably the ablest address of his life, announced at the University of Michigan the same principles of constitutional interpretation which formed the basis of Mr. McCall's speech. "The man who has to rely upon benevolence for his laws is a slave," said Harrison. "The Revolution," said Mr. McCall, "was started and fought to a successful conclusion upon the broad principle that one community had no right permanently to levy taxes upon

another community." And a few months later in his discussion of the Army Bill, he said, "There is at least one thing in government worse than government by revolution, and that is government by brute force. The government of one community by another community, of one race by another race, contrary to the customs and ideas of the governed is something worse than government by revolution."

Whether or not the United States should levy duties upon imports from Porto Rico was not, in Mr. McCall's view, simply a matter of constitutional power. "This is no question of mere syntax," he said. While he believed that the Constitution gave to Congress no power to discriminate between different portions of American territory, yet, even if it did, such discrimination was to his mind contrary to the spirit of American liberty. His interpretation of the Constitution was rejected by the Supreme Court, but it is interesting to note that the decision was by a vote of five to four, and there was great difference of opinion among the majority as to the grounds of their judgment. This decision, however, did not affect the question of the duty owed by the United States to the people under its dominion, and it may be doubted if this whole debate, which was the loftiest in tone which this country has

heard since the abolition of slavery, produced anything more eloquent than the concluding portion of Mr. McCall's speech in opposition to the Porto Rico tariff: —

Remember that if the race from which our institutions sprang has great virtues it has great faults as well. It may not be cruel like the Spanish race; but is it free from cupidity? Do you want an instance from its history which may show you whither you are drifting? To the west of England there rises from the sea an island larger but not more beautiful than Porto Rico — Ireland. English statesmen thought their country needed protection against her products, and the linen and other great industries of Ireland were taxed and legislated almost out of existence for the benefit of the taxing country, and the people of Ireland were beggared. That system has been abandoned, and to-day a British citizen in Ireland has equal rights with a British citizen in any other part of the Empire, even in England itself; but generations will not obliterate the bitter memories of the oppression and wrong which rankle in the hearts of the Irish people.

Do you want to make Porto Rico our Ireland? I say far wiser will it be if, instead of entering upon a policy which will make her happy, sunny-hearted children the mere chattels of this Government, we follow the humane recommendation of the President and lay the foundations of our empire deep in the hearts of those people. If you will not regard the question from the standpoint of their interests, look at it some-

what broadly from the standpoint of your own. Our injustice will react upon ourselves. [Applause.]

Our nation was founded and has prospered upon the doctrine of constitutional liberty. Do you not see that you are degrading that liberty from a high principle? If so, how long can you expect it to survive at home? We restrain our own power when it may be exerted upon ourselves. You demand now that it shall be absolute and despotic when it may be exerted upon others. If restraint is to be removed, it can more safely be dispensed with when they who wield the power are likely to suffer.

I do not care to see our flag emblazon the principle of liberty at home and tyranny abroad. Sir, I brand with all my energy this hateful notion, bred somewhere in the heathenish recesses of Asia, that one man may exercise absolute dominion over another man or one nation over another nation. That notion comports very little with my idea of American liberty. It was resisted to the last extremity by the heroes who fought at Bunker Hill and starved at Valley Forge. It fell before the gleaming sabers of our troopers at Five Forks and Winchester. It was shot to death by our guns at Gettysburg and Appomattox. A half-million men gave up their lives that their country might stand forth clothed in the resplendent robes of constitutional liberty and that we might have a government of laws and not of men for every man beneath the shining folds of the flag. All the sweet voices of our history plead with us for that great cause to-day. And I do not believe, sir, that this nation will tolerate any abandonment of that principle which

has made her morally, as she is physically, without a peer among nations.

The status of the Philippines and their relation to the United States were again before Congress in the winter of 1905–06, when a bill providing for free trade between the United States and the Philippines was introduced. It was perhaps not surprising to find that many men, who had been most strenuous in their advocacy of the annexation of the islands, now opposed the removal of tariff barriers against the coming of their products to the United States, on the ground that such a measure would prove destructive to certain American industries. To these men Mr. McCall said: —

I think they should manfully recognize that they are simply going to pay the price for having indulged in some beautiful rhetoric about the flag, — how it should never be hauled down, no matter for what purpose it had been run up, — and also for the pleasure of standing upon the mount of prophecy and seeing dazzling visions of an illimitable trade destined never to exist. They are paying the penalty to-day for having contributed toward making the Philippine Islands American territory.

He taunted those members who constantly justified the subjugation of the Philippines by a resort to "destiny" and appeals to Providence: —

The Spanish War and its Problems

My friend from Pennsylvania [Mr. Dalzell], who is one of the most genuine orators I have ever listened to upon this floor, in a burst of piety and eloquence yesterday credited the providence of God with the responsibility or the glory for our possession of the Philippine Archipelago. This observation of my friend reminded me of a remark credited to Mr. Henry Labouchere concerning a celebrated British statesman. He did not find fault, Mr. Labouchere said, that that statesman should now and then be found with an ace up his sleeve, but he did object when he claimed that it was put there by Divine Providence. [Laughter.] Horace, in his "Art of Poetry," has said that you should not introduce a deity upon the scene unless there were some very hard knot to untie, which it would require a deity to do, and it seems to me gentlemen who have defended our Philippine policy here have acted strictly within the rule laid down by Horace. They have a hard knot to untie, and they have frequently introduced Providence into this debate. It is a convenient refuge to fly to when one is hard pressed for argument.

Judged simply from an economic standpoint, Mr. McCall thought that there should be a duty upon Philippine sugar. If American capitalists introduced modern methods of sugar production into the islands, the American farmer could be undersold in the American market. But political and constitutional considerations were more mighty than economic arguments. Having compelled the Filipinos to submit to American rule,

it became the duty of the American Government to act the part of a faithful guardian and to do all that was possible to promote the interests of its ward. "The farmer is paying the penalty," he said, "because some of our statesmen at a critical time in the history of the nation saw fit to 'think imperially.'" Trade relations with the islands should have been considered when their annexation was under discussion. It was not now an open question.

The policy of free trade was established, to my mind, when we annexed the Philippine Islands, and my action was determined for me by others in spite of my opposition when annexation was decreed, and I feel constrained to support free trade as a necessary result of annexation. It was ordained when we bought from Spain the bloodiest foreign war in which this Republic ever engaged. I say foreign war, because those people never owed us any allegiance whatever, and the war was purely one of conquest and subjugation. It was a war aptly characterized by the fine line cited by Mr. Mead: —

"Cursed is the war no poet sings."

Imagine, if you can, an American poet singing and the American schoolboy declaiming the most glorious exploit of that war, the capture of the Philippine chieftain by American soldiers in Philippine uniforms at the very moment when he was extending to them succor from impending starvation.

When the Payne Bill, which provided practically for free trade between the United States and the Philippines, was before the House, Mr. McCall, while advocating that provision of the measure, also urged that Congress should at the same time frankly declare its purpose as to the ultimate disposition of the Philippines. If Congress continued to encourage trade with the islands and the investment of American capital therein, the plea would be made that such investments were entitled to the permanent protection of the American Government. The Filipinos themselves foresaw this contingency, and the Filipino Assembly was for that reason opposed to the policy of free trade with the United States. Mr. McCall said:—

I have noticed the manner in which this bill has been received by the Philippine Assembly. That is no revolutionary body, but it was set up under our auspices. So far as this country is concerned, it cannot be suspected of having an unfriendly structure. And it is most significant of the aspiration of the people of those islands that, great as the advantages of this bill are to them, their assembly, constituted by us, puts above those great material advantages the cause of the independence of their country. Believing that free trade with this country will call into being powerful interests hostile to their independence, they do not wish to accept the gift.

I believe we should heed their wish and couple this grant with an unequivocal declaration of our ultimate policy which will sanctify every schedule of this bill and make it one of the most glorious acts in our history. [Applause.]

There are only three solutions which we can avow. We can declare that we propose to hold them perpetually as vassals, passing their taxation laws at Washingington, and conceding them now a little authority and now, perhaps, none at all; or that we will admit them some day as States into the American Union to take part in the common government; or that we will endeavor to fit them for self-government; and when that result shall have been accomplished will permit them to take their place among the free and independent nations. To my mind the first and second purposes are inadmissible. I have heard no one seriously avow either of them. Then why not, at the same time that we are granting them this extension of trade and calling new interests into being, why not declare that it is our purpose to fit them for self-government and then to grant them their freedom? [Applause.] Such a policy has been, in effect, approved by Mr. Taft before he became President and by his two predecessors in office. But the treaty of Paris imposes upon Congress the duty of fixing the status of the Philippines. Then let Congress at this fitting moment frankly declare, after ten years of drifting, just what we mean to do with those people. Let us make the declaration called for by American principles. Let us make it no less in their interests than in our own. [Loud applause.]

The Spanish War and its Problems

As this book goes to press, Congress has under discussion a bill, supported by both the great parties, by which the principles of the Declaration of Independence are applied to the Philippines and the policy advocated by Mr. McCall ever since the war with Spain would be put into effect.

It was the condition of Cuba which precipitated the war with Spain. Whatever sinister motives individuals may have had with reference to that conflict, there can be no doubt that the great mass of the American people were actuated by broad motives of humanity and a sincere desire to benefit the Cuban people without regard to any direct benefit to ourselves. It may be questioned whether any war was ever entered upon in a more disinterested spirit. The resolution of Congress which precipitated hostilities declared that "the people of the island of Cuba are, and of right ought to be, free and independent," and disclaimed any intention on the part of the United States to exercise sovereignty, jurisdiction, or control over the said island except for the pacification thereof, "and asserts its determination, when that is accomplished, to leave the government and control of the island to its people." As the task of restoring order in Cuba was approaching completion, Congress enacted the Platt Amendment, by which the acceptance

of certain safeguards for the maintenance of its independence was imposed upon the Cuban Government as a condition precedent to the withdrawal of the American troops.

But when the authority of Spain had been expelled from Cuba and a stable government had been established therein, Mr. McCall argued that the whole duty of the United States had not yet been discharged. By the terms of the Platt Amendment, Cuba's power to make treaties with other nations was greatly restricted, and Mr. McCall argued from this, as well as from other considerations, that Cuba had peculiar claims upon the generosity of the United States. When a bill establishing reciprocal trade relations with Cuba was before the House in 1902, it was this aspect of the question which Mr. McCall urged as the most important reason for its adoption: —

> How does Cuba's case stand in equity compared with that of the Philippines? Cuba is at our doors. She guards a great stretch of our coast, the mouth of the Mississippi, and the Isthmian Canal. It was her cause that stirred the hearts of the American people. She is a part of us, not by the harsh fiat of war which, in defiance of the laws of nature, sets up an artificial and unnatural relation with incongruous peoples who live under another sky and who are not so far separated

from us by the space of half the planet which divides us as by those more ineradicable differences in institutions, in race, and in civilization, but she is a part of us by those common interests which bind peoples together.

I know it is commonly said that destiny decrees that she should some day become an integral part of the American Union. Destiny is too often a mere synonym of unhallowed greed. For my part, I prefer to have her go on and flourish as an independent republic rather than to have her take a part in the Government of the people of the United States. Under the protection of this nation in foreign affairs, with the instability of the races which inhabit her, regulated and tempered by people of American birth, whom prosperity will attract to her in large numbers, I think she can flourish as an independent government in a way that will make her the model of the other Latin-American States. But if she is ever to become a part of us, it is far better that she should enter as a prosperous and contented member than through the door of starvation.

If we are to have Porto Rico and Cuba and other tropical countries with their incongruous populations admitted to participate in the government of the American commonwealth, we must be prepared for a radical change in the character of our institutions. For the sake, then, of our own future, as well as for the sake of that newborn republic, let us pass this bill. Whatever the faults of the Cuban people, we must all admit the great patience and serenity with which they have acted during the last three years.

Let us now set them upon their course as a nation

with the help and the encouragement contained in this measure. That little republic is the child of this great nation, sprung from her loins, and she appeals to our highest interests, to our tenderness, to our sense of justice, and to that high sentiment that makes men respond to the call of duty, and I trust that such an appeal will never be made to this Republic in vain.

Mr. McCall regarded the policy of reciprocity with Cuba as economically advantageous to the United States, and as to Cuba he did not exaggerate when he said that to that young and weak people "it comes as the very bread of life." Every consideration of honor impelled us to extend to them the help of which they stood so much in need. It was this aspect of the question which Mr. McCall emphasized in his speech of November 19, 1903:—

I have, perhaps, said more than is necessary concerning the financial features of this measure in view of the clear sentiment of the House upon the bill. I wish to say a word about those weightier considerations of a high political and moral character that are based not upon mere expediency, but that grow out of the demands of justice. An individual man, strong and rich, may not with impunity oppress another who is weak and poor, because he is held in terror by the law. But what court is there which could enter and enforce a decree against the United States in favor of Cuba? Her case therefore calls for the exercise of that higher and

more difficult, because merely voluntary, justice which a strong nation measures out to a weak one.

Cuba is not strong enough physically to enforce any claim against the United States. She has no army or navy. She is just entering upon her career as a nation. She is absolutely in the hollow of our hands, so that whatever we do for her will not be done by us out of fear, but will come about by the operation upon our will of the abstract principles of justice. Cuba has already done something at our dictation. She has surrendered to us important naval stations upon her southern coast, and surrendered them at our demand. She has also imposed very serious limitations upon her power to treat with other nations, and she has done this upon our demand.

We have put Cuba in a position where she can safely make no trade compact with any other nation than ourselves. We have resting upon us the obligations of a mother to a daughter. Her government has been reared upon soil soaked by the blood of our soldiers, and it exists because of the battles that have been fought by Americans upon her territory and upon the seas that surround her and on the other side of the world. She guards the approach to the isthmian canal and the mouth of the Mississippi. Her peace and happiness are most important to us. Her prosperity will conduce to our repose as well as our renown, and the members of this House have an opportunity to-day to add appreciably to the glory and to serve the honor of their country by voting for this bill with substantial unanimity. [Loud applause on the Republican side.]

CHAPTER VI

THE PRESIDENCY OF DARTMOUTH COLLEGE

HOWEVER busy Mr. McCall's life has been and however much his public duties have taken him away from New England, nothing has ever diminished his interest in his *alma mater*. Ever since his graduation from Dartmouth in 1874, he has kept in close touch with her affairs, and as his reputation grew he has been the recipient of her highest academic honors. He has been her chosen spokesman upon such festival occasions as the centennial of the graduation of Daniel Webster. He has been her trusted counselor in many a difficult situation. It was but natural, therefore, that when the presidency of the college became vacant in 1908, the thoughts of Dartmouth men turned to Mr. McCall.

The history of Dartmouth is in many respects unique. Founded as a school for Indians and isolated in a mountain village remote from any considerable city, there was little in her origin or environment which promised the development of an influential institution of learning. Several circumstances, however, combined to make her well

known. Several of her alumni, such as Daniel Webster and Rufus Choate, Thaddeus Stevens and Salmon P. Chase, kept her much in the public eye. She had been the subject also of one of the most famous legal controversies ever heard in American courts, and Daniel Webster's well-known phrase, uttered in the course of his argument in her behalf, "It is, Sir, as I have said, a small college. And yet, there are those who love it," was a part of the rhetorical equipment of many an American schoolboy. Like much other rhetoric, however, it was misleading. The truth is that even when Webster made the statement, Dartmouth, as compared with her contemporaries, was not a small college. While her situation was in some respects unfavorable to rapid growth, she was for many years the only college in Maine, New Hampshire, and Vermont. In the eighteenth century those sections of New England were rapidly settled with a population of character and enterprise and ability, and the sons of these pioneers flocked to Dartmouth in considerable numbers. It is true that measured by the standards of the present day, when our great universities number their students by thousands, the Dartmouth of Webster's day would fittingly be described as a small college. But when we remember that from 1790 to about 1850 the

institution of which Webster spoke was in point of attendance sometimes second and much of the time third among American institutions of learning, it can be seen how misleading his statement was. History, however, is too prosaic to compete with the genius of the orator. "Eagle wings" are not only the means by which, as Juvenal says, "immortal scandals fly," but they bear anything which can be compacted into a convincing phrase. The Dartmouth of Webster's day will continue to be thought of as a small college. Mr. McCall has finely said in his oration on Webster: —

> Whatever may have been its relative rank, the one thing most certainly known about it now is that it was a small college. The pathetic statement of Webster in the argument of its cause at the bar of the Supreme Court has settled that fact for all time. It is true that it was a day of small things, but the smallness of contemporary objects was not immortalized by the touch of genius, which has it in its power to endow with perpetual life any passing condition or mood in the life of a man or an institution. Fifty generations have grown old and died since the Greek artist carved his marble urn, but the maiden and her lover chiseled there are still young, and to the immortality conferred by art has been added the immortality of poetry in the noble verse of Keats: —
>
> "Forever wilt thou love and she be fair."

Even the most cursory account of Dartmouth should mention her noteworthy record in the

Civil War. In 1861 she had only 2753 living alumni, many of whom were too old for military service. Yet from this small band and from the undergraduates then in attendance she contributed 652 men to the armies that fought for the Union,—a larger proportion of her sons than was contributed by any other college in the North.

When President Tucker became the head of Dartmouth in 1893, she was still a typical old New England college, doing excellent work upon ancient lines, but not much concerned with new and progressive ideas in education. The expansion in every field so characteristic of the universities situated near great cities had not yet penetrated to the country college. It is due chiefly to President Tucker that Dartmouth is no longer apologetically described as a small college. But even more marked than its extraordinary growth in attendance has been its growth in all those things which indicate a great scholastic center. Removed though she is from the large cities, she has nevertheless attracted scholars to her faculty, books to her library, and apparatus to her laboratories in such goodly measure that the little academy established in the mountains by a missionary clergyman as a center of light to Indians has become an institution of the first

importance in the educational life of the entire country.

When the health of President Tucker compelled him to resign, leading members of the board of trustees urged Mr. McCall to allow them to present his name to the board as President Tucker's successor. This suggestion, which was never made public, came to Mr. McCall as a great surprise. He said while he was deliberating upon it that it was entirely different from anything that he had ever thought of for himself. He was strongly tempted to accept it. It was another opportunity to serve his *alma mater* and such opportunities always appealed to him. It was also in line with his scholarly tastes. It would bring him into contact with the life of youth with which he feels so strongly in sympathy. Ultimately, however, he urged his friends among the trustees to turn elsewhere for a president and to give him no further consideration. But the feeling of the board that he was the proper successor to President Tucker was shared by the college faculty and by the alumni of the college throughout the country. A few months later, therefore, the question was again brought up, with much insistence. Through an accident the desire of the trustees became known and there was then a general public discussion. Dartmouth men everywhere began to

urge Mr. McCall to accept. Forty-three members of the Dartmouth faculty united in addressing to him the following letter: —

We, the undersigned members of the faculty of Dartmouth College, having learned that you have under consideration the presidency of this institution, take this opportunity of expressing to you our sincere hope that you may accept the tender made you. While we recognize the many sacrifices which would be entailed by leaving your present field of civic usefulness, we feel that we are not going beyond the limits of propriety in urging you to accept the position upon the grounds of public duties and of devotion to the interests of this institution. In the confident belief that under your guidance Dartmouth College will not only hold its present enviable position, but will extend its influence nationally, we pledge you our cordial support and coöperation.

This collective letter from the faculty was supported by individual letters from many of its members. President Tucker, who was in hearty sympathy with the action of the trustees, wrote:

I cannot refrain from saying, in a personal way, how much I feel that the future of the college depends upon your decision. Of course institutions live, even under adverse conditions, but the difference between living under ordinary and under unusual conditions of a favorable sort is very great. I can think of nothing which would put so much heart and enthusiasm into Dartmouth men all over the country, or give to the college

such an assured position for the coming years, as your acceptance of the presidency.

Probably no communication from the faculty gave Mr. McCall greater satisfaction than this from one of his former teachers: —

I shall esteem it a pleasure to work under one whom I remember so satisfactorily as a student and of whom I have known so honorably as a public man. From the side of the faculty I therefore add my urgency to that of the trustees.

The alumni, of course, manifested the greatest interest in the election, and from every side came urgent requests that he should accept the position. One of the most noted religious leaders of the country wrote: —

I want to tell you, as an old Dartmouth contemporary, how for many reasons it would please me should you accept the position. . . . I feel sure that under your administration, Dartmouth would hold on to all that is best in the past, and would not forget its noble moral and religious traditions, or its great founder who was such a noted evangelist as well as educator.

A letter which preserves much of the tang of college *camaraderie* is the following: —

My dear Sam: —

I want to say to you that all the Dartmouth gang who have been active in her affairs in the last fifteen years, with whom I have talked, hope you can see your

way clear to accept the presidency of Dartmouth College. To be sure, this gang is getting older than it used to be, as you and I both realize, but I believe the sentiment among the younger crowd that is coming on to take our places is just the same, and I believe that you will have as loyal alumni back of you as Tucker has always had since his accession to the presidency. We shall all feel greatly relieved and delighted to hear that you have concluded to accept.

Another alumnus who had served in Congress said in urging his acceptance:—

I regard the position of the head of Dartmouth as far more important and more useful than that of a Congressman. I appreciate, however, that I do not have that exalted view of the position of Congressman that I entertained before I went to Washington.

Interest in Mr. McCall's decision was by no means confined to the immediate Dartmouth circle. One of the most eminent citizens of Boston, the Honorable Richard Olney, himself an alumnus of Brown, wrote thus:—

Unless you are going to be President of the United States, I trust you will see your way to become president of the college of which Daniel Webster and Rufus Choate were graduates. . . . I have, of course, no advice to give upon the subject, the matter being so peculiarly of a personal nature. But I am sure that you would fill the chair of the president entirely full to the great

benefit of Dartmouth and with a success which would enhance even the large reputation you now enjoy.

A letter of peculiar interest came from Major Henry L. Higginson:—

Dear Mr. McCall:—

In any event you have done your work like a high-minded man and public servant and we are very grateful to you. Dartmouth is doing an excellent part in our country, and has had a noble president. If it really gets you, it will be in luck — and you will have a dignified and interesting task so long as you wish. I know that the matter is not settled — and I am sorry to miss you from Washington and glad to see you — at peace. Education! It is our great need. Pray don't reply, but tie up your words in peace, and be ready to come home.

Most of Mr. McCall's correspondents assumed that his acceptance of the presidency would involve his permanent retirement from political life, but suggestions were not wanting that by becoming a resident of Hanover he made himself eligible to election to the United States Senate from the State of New Hampshire, and the prospect of such an event was held out as a definite reason for his acceding to the invitation from Dartmouth.

No one questioned Mr. McCall's eminent fitness for the presidency, but many of his friends

urged that it was his paramount duty to retain his place in Congress. Numerous letters from his constituents indicated their desire that he should continue to represent them. An organization of colored men in Boston expressed much concern because of his prospective retirement. "We are in doubt," they wrote, "as to how well we will fare during the coming administration, and view with alarm the prospect of losing so good and influential a friend as you in Congress."

A distinguished historian, James Ford Rhodes, wrote, as spokesman for a group of well-known men: —

Dear McCall: —

On last Tuesday at the Wintersnight Club dinner, dining with Dr. J. C. Warren on Beacon Street, the question came up about the offer of Dartmouth College to you, and the opinion was generally expressed that, while you would make an excellent president of a college, we should all regret your acceptance of the flattering offer; because you were peculiarly situated to exercise a salutary influence in the House, and, having a sure district and devoted constituency, it would be a misfortune for the State and nation for you to forsake them for a position which you would bring more to than it could give to you. You have made a good record, have a standing and acquaintance that is valuable for the country; and they must be agreeable to yourself. Talent like yours should not be buried at Hanover when it

may be exercised in the larger field of Massachusetts and on the theater of Washington.

There were eight of us dining; J. C. Warren, James Crafts, Judge Grant, Moorfield Storey, James Storrow, Charles Sargent, Edmund Wheelwright, and myself. As I understand it the sentiment was unanimous and I was asked to report the same to you.

One of the foremost lawyers in the United States, the Honorable Moorfield Storey, put the case thus:—

I hope you will not accept the presidency of Dartmouth College. You have won for yourself a position of very great influence and power in the nation, and all your experience tends to make your influence in the future greater. The problems that we are called upon to deal with in the near future are such as require the very best men we can get, and there is no one who can step into your place if you leave it. Any one, whatever his ability, would have to demonstrate it to the country, would have to spend years in showing what he was capable of before he could acquire such a power for good as you now have.

The New York "Sun" commented on the subject in this wise:—

During this now closing seven or eight years' war upon the Constitution, the courts, property, and common sense, Mr. McCall has kept his head. He must have been pretty lonely a good deal of the time. If calmer days are hoped for, still the public mind, the new ad-

ministration, the Congress must long feel the effects of the debauch of violent personal government which the country has undergone. The clear intellect and courage of Mr. McCall cannot well be spared from Washington; and it is to the honor of his congressional district, the "Harvard College district," that in spite of continual hopes and efforts of cheap little Republican politicians, he can be reëlected as long as he pleases. If the college of Webster and Choate is fortunate enough to lure from Washington to Hanover this worthy perpetuator of its best traditions, Dartmouth gets a singularly able man of affairs and the House of Representatives loses its most intellectual and engaging figure.

After a full consideration of the factors involved, Mr. McCall finally decided to remain in Congress. The reasons which actuated him are fully set forth in the following communication to the Dartmouth Trustees:—

WASHINGTON, D.C., Feb. 22, 1909.

Gen. Frank S. Streeter, Chairman of Committee of Trustees of Dartmouth College, Concord, N.H.

My Dear Gen. Streeter: While I expressed to you my impression when you first mentioned to me the subject of the presidency of the college, yet its very great importance, the impressive manner in which it was presented, and the widespread interest in the decision, as shown in the many letters I have received from graduates of the college and from others imposed upon me the duty of giving the matter my most serious thought.

That duty I have made a sincere effort to perform, and, whether right or wrong, I have reached a conclusion.

If I had never been at all connected with the college, I must yet have been stirred at the suggestion you have made me. There could be no greater distinction than to be thought of to lead one of the great intellectual armies of the country, to be associated with so noble a past and with such a splendid present in which the old and new are so richly blended. But I had long known the wonderful charm of Hanover, so beautifully seated among the hills and so completely dominated by the college spirit as to make it, one might fairly say, the most characteristic college town in America. No one could be more sensible than myself of both the attractiveness and the distinction of the proposal, the value of which was enhanced by the fact that I had been thought of by a board of trustees who personally knew me and containing among its members two of my classmates with whom I had been bound by ties of intimacy since we were boys together at Hanover.

The chief work of my life has been only in the most general way related to education. One's habits of thought tend to become fixed and more or less adapted to the pursuit he is engaged in, and he should hesitate before transplanting himself to a new field. The difference in the work I have been doing and that you propose may not really be one of kind, and I should not wish upon that point to set my opinion against your own and that of President Tucker, who is a master in his calling and is giving an administration in brilliancy conspicuous in the history of colleges. And to decide upon that ground,

too, would be merely to take the view of caution and conservatism, something scarcely to be thought of when there is an influence more positive operating upon my mind.

The work which I am trying to do was not entered upon by accident, and if I have not pursued it with success it at least is not because my vows were lightly taken. And since I did not lightly take it up, I cannot, in what I believe to be a very grave crisis, drop it easily and shift to something else. I may be accomplishing little of value, but I happen to be on the battle-line, and I should, indeed, be a sorry soldier nicely to weigh causes and to decide at this moment to step out of the ranks. This is not the place for political discourse, but perhaps I should say to you that the crisis I referred to is in my opinion full of peril to our institutions, and how soon the movement is to begin toward sanity and safety I do not know. I am far less concerned by particular theories than by general methods of government — methods which have been carrying us swiftly toward a condition under which limitation upon governmental power would be done away with, and the favoritism and caprice of an autocrat would take the place of constitutional restraint. And some chance barbarian as an autocrat might overturn our temples and do more harm in the direction of uncivilizing the country than all our colleges together could possibly repair.

It may be that I have an exaggerated notion of the relative importance of my present work, but if so, the teachings I received at "the college on the hill" must bear a part of the responsibility. Her traditions are vital

and throbbing with inspiration to public service. I need only mention to you the supreme causes of constitutional government and the preservation of the Union. With both of those causes her name is imperishably identified.

I have decided, therefore, to continue in the service of the most tolerant and generous of all constituencies, which has just honored me by a reëlection to Congress, and accordingly, I ask that you do not consider my name when the time comes to choose a president.

In conclusion, let me say that I should deem myself a quite unworthy son of Dartmouth to deny her anything that would help her and that she might fairly ask; but I cannot but think my decision the wiser one, even for her. She has sons highly fitted for her service, skilled in administration, with a special training and scholarship to which I can lay no claim, and under some one of them she will continue to grow and prosper. Planted even before the nation was born, she has been through every crisis of our history, has had her own special stress of storm and has emerged from every trial more lovely and more strong, until to-day she is confronted with no grave problems, unless with such as prosperity often imposes. Those problems, whatever they may be, will trouble her but little when she comes to face them, as she surely will, her heart filled with the great memories of her past and her fair eyes looking hopefully upon the future.

Sincerely yours,

S. W. MCCALL.

Mr. McCall's decision and particularly the terms in which it was announced evoked a chorus

of approval. One of the most honored of his constituents, Colonel Thomas Wentworth Higginson, wrote: —

Allow one of the oldest in years and one of the most cordial of your supporters to thank you for keeping "in the battle-line." My Wentworth alliance would have justly given me associations with Dartmouth, so that I can look at that side also.

A resident of another congressional district in Massachusetts expressed his satisfaction in these words: —

If it is permitted a graduate of Brown and a voter in the eleventh Congressional District to express any opinion as to matters relating to Dartmouth and the eighth Congressional District, allow me to thank you for your declination of the Dartmouth presidency. I am very glad, indeed, that you are to continue in Congress and your decision will be gratifying to many of us Democrats. Some of your party colleagues might consider this a doubtful compliment, but I trust you will not find it offensive.

Interest in Mr. McCall's decision was not confined to this country. From Toronto, one of the most eminent of British scholars and publicists, Goldwin Smith, wrote: —

It is with real delight that I see you have decided in favour of Washington against Dartmouth. With all due respect to Dartmouth, there be nothing to be done there at all comparable in importance to the removal

of the barriers of trade between the two sections of this continent, bringing as that measure will social and political advantages in its train.

The following letter from one of his constituents well summarizes the whole correspondence:

Your letter to the Dartmouth Trustees causes much rejoicing in this bailiwick. The Eighth District has realized for a long time that it was represented by the sanest man in either house, and it is glad to know that it is not to be deprived of that distinction. The country at large is to be congratulated on your decision. It is a much easier matter for Dartmouth to find a satisfactory president than it would be for the country to find another man who would stand for the things that you stand for in Congress. I am glad, however, that the presidency was offered you, not only because it was a compliment which was richly deserved, but also because of the noble reply which it called forth. Your letter to the trustees was one of the most uplifting documents which any public man in our history has sent out, and I am sure the country will recognize it as such and that your influence on public affairs will be correspondingly increased.

These are but a few extracts from the letters, more than two hundred in number, which came to Mr. McCall from all parts of the country, and which are convincing evidence of the widespread interest in his decision and of the place which he occupied in American public life.

CHAPTER VII

THE MAN OF LETTERS

AMERICAN public life has often been unfavorably contrasted with that of other countries, particularly Great Britain, because it has attracted so few men of eminence in letters and science. It is true that the roll of the British Parliament contains many names which confer luster on the oldest of legislatures because of attainments outside the field of politics. Lord Bryce and Lord Morley, Lord Curzon and Lord Rosebery, Arthur Balfour, Augustine Birrell, and Sir Gilbert Parker are examples of a class of men who have long been conspicuous in British public life. But in America similar examples, if not so numerous, have not been altogether lacking. The beginnings of our existence as a nation are indelibly associated with Benjamin Franklin, who was not only our leading man of letters in his day, but is one of the chief figures in the history of science. Since his time, Bancroft and Irving, Motley and White, Lowell and Hay have all been members of our diplomatic service. But a few years ago, with Mr. Roosevelt in the Presidency, Mr. Hay in

the State Department, Mr. Lodge in the Senate, and Mr. McCall in the House, we had a group in our public councils which in point of literary achievement could well be compared with any similar group in the public service of any other country. Had Mr. McCall not given his life to statesmanship, he would undoubtedly have devoted it to letters. While the public life of the country has been enriched by his career, American literature has been deprived of a great historian and essayist. To a considerable extent, to be sure, he has combined literature and politics, but it is obvious that the time and energy which his public duties consumed made impossible those literary productions which it would otherwise have been reasonable to expect from him. For such contributions he is rarely equipped. His wide acquaintance with the masterpieces of Greek and Roman and English literature, his sound scholarship, his grace of expression, and his gift of imagination constitute a combination of qualities which admirably fit him for a high place in American letters.

As civilization in the United States has moved westward and as new States have developed, the epoch of transition from frontier conditions to communities of a more settled and complex type has been marked in several instances by the

appearance of names which hold places of distinction in the literature of the country. Their nearness to nature and the simplicity of their surroundings may have assisted in the development of a sympathy with the primitive and an understanding of the human spirit which might not have fared so well in the older and more sophisticated communities. At any rate, it was in surroundings of this sort that were spent the formative years of such writers as William Dean Howells and Whitelaw Reid in Ohio, Edward Eggleston in Indiana, John Hay in Illinois, Mark Twain in Missouri, and Bret Harte and Joaquin Miller in California. And it was in a region that was just passing out of the frontier stage that Mr. McCall spent his boyhood, and the strong human sympathies, as well as the feeling for liberty and the varying moods of nature which characterizes much of what he has spoken and written, may be due in part to the impressions of those early years in northwestern Illinois.

Mr. McCall is the author of two important biographies, which are included in the American Statesmen Series. They deal with two men who, in their personal characteristics, had much in common. In their masterful personalities, their caustic wit, their independence, and their readiness to adopt radical measures for the attainment

of what seemed to them justifiable ends, and in the strong antagonism which they aroused, Thaddeus Stevens and Thomas B. Reed were not unlike. But Mr. McCall approached the two from totally different points of view. He was but a boy of seventeen when Stevens died. The closest point of contact between them lay in the fact that Mr. McCall in 1870 entered the college from which Stevens had been graduated in 1814. There was much in Stevens's radicalism with which Mr. McCall had no sympathy, and much in his personality that was repugnant to him. He could write of him in a spirit of critical detachment which was impossible in his biography of Reed. The great Speaker was his close friend. They had served together in Congress. They thought alike upon most public questions. They held some opinions for which a large section of their party wished to ostracize them, and they were alike in the tenacious independence with which they supported their convictions. Mr. McCall's life of Stevens was, therefore, a study of the career of a man who, whatever one's opinion of him may be, was the dominant force in this country in one of the crises of our history; but his life of Reed was a labor of love.

Perhaps the most prominent characteristic of

Mr. McCall's life of Stevens is its judicial tone. Its restrained language is in marked contrast with the tempestuous character and stormy period of which it treats. His ultimate judgment of Stevens and of the great principles which guided him are thus set forth in the concluding sentences of the book: —

> A truer democrat never breathed. Equality was the animating principle of his life. He deemed no man so poor or friendless as to be beneath the equal protection of the laws, and none so powerful as to rise above their sway. Privilege never had a more powerful nor a more consistent foe.

Nowhere is Mr. McCall's analysis of a situation and balancing of the factors which enter into it better exemplified than in his comment on Lincoln's policy of emancipation: —

> Emancipation was, above even union itself, the great contribution which the war made to the progress of mankind; but it was only the wisest statesmanship that so shaped and directed the varying issues of the war that freedom was secured and the Union saved. In a great institution like slavery, as it existed, firmly intrenched by law over a great portion of the country, there is so much that quickly becomes vested, so much, too, that is sure to be interwoven into the fabric of society, that nothing short of a great national convulsion can remove it. It was not difficult for those who were not financially interested in it, and who looked upon it

from a safe distance, to become impressed with a sense of its wickedness. But how to do away with it was a problem for the profoundest statesmanship. The most casual survey of the course of slavery to its extinction will convince one both of the danger of agitation and of the danger of compromise, when each of them is taken alone, but of the potency of each in finally setting in motion the resultant force which brought forth freedom. Very many patriotic people were found who were willing to make the best of the evil in order to be at peace, or who would at the most employ palliatives and trust to time to do the work of regeneration. Others desired to resort to methods which were excessively heroic, and would have killed the patient in order to destroy the disease. The progress and the very existence of society lay in the fact that neither of these extreme views could have its way, but that, as a result of antagonistic, or certainly not concurrent, forces a middle and safer pathway was pursued. Whether slavery could, within any reasonable period, have been blotted out, except through war, is a question which is even now debated; but there can be little doubt that, after war had been entered upon, the rational and conservative course was taken, and instead of sacrificing the Union by a premature attempt at freedom, or delaying freedom until the Union was lost, the time and the methods were chosen which made freedom more certain, and made it also an instrumentality for preserving the Union. It was fortunate that men like Stevens foresaw the ultimate result and prepared the minds of men to receive it. It was fortunate that Lincoln appa-

rently drifted with public opinion and waited until the moment was ripe. The immortal event was finally consummated, not by one side or extreme of humanity, but as a result of the combined wisdom of all.

To do exact justice to a friend is a most difficult task. Warmth of affection may result in over-much laudation, unless, on the other hand, excess of caution leads to the withholding of merited praise. In writing his life of Reed, Mr. McCall met this dilemma by allowing Reed as far as possible to tell his own story. Mr. McCall has been heard to say that he regarded Reed as the ablest man that he had met in public life. His retirement from Congress when apparently at the zenith of his power is thus narrated:—

In the summer of 1898 Reed stood for election to the House for the twelfth time, and received the great majority that he had become accustomed to receive during the last half-dozen elections at which he was a candidate. But the difference between him and the administration became more serious, as the result of an issue which the war had brought forward. The war with Spain had proved a most unequal contest, because of the vast difference between the resources of the two nations. In the treaty of peace we purchased the Philippines and thereby purchased a war which proved much more deadly than that which the treaty had brought to an end. . . . Reed profoundly disbelieved in the existence of a colonial theory of our Constitution, or in

making an application of such a theory to the Philippines by taking on the "last colonial curse of Spain." When therefore the islands had been acquired from Spain by treaty made by the President with the advice and consent of the Senate, and war had been entered upon for the purpose of subjugating their inhabitants to our control, he determined to retire from public life. He said to his trusted friend and secretary, Asher C. Hinds, "I have tried, perhaps not always successfully, to make the acts of my public life accord with my conscience, and I cannot now do this thing."

When Reed resigned, he had just been reelected to the House and was assured of reëlection to the speakership — an office of which he said that it had but one superior and no peer. And it was not unreasonable for him to look forward to election to the Presidency. Surely few men have ever made a more costly sacrifice to conscience.

Mr. McCall is not only the biographer of Reed, but he also pronounced the oration at the unveiling of his statue in the city of Portland in 1910. As a work of literature it deserves to rank with his centennial oration on Daniel Webster. There is room here for but one of its many beautiful passages: —

> Beyond his brilliancy as a debater, his resplendent wit, and his skill as a parliamentary leader, his title to remembrance rests upon his quality as a statesman.

He had a great ambition, but it was not great enough to lead him to surrender any principle of government which he deemed vital. Like Webster, like Clay, and others of our most conspicuous statesmen, he was disappointed at not reaching the Presidency, but he could fitly aspire to the office, for he was of the fiber and nurture out of which great Presidents are made. He probably would not have been a continuously popular President, but our great Presidents never have been. He had that supreme quality which was seen in Washington breasting the popular anti-British feeling and asserting against France our diplomatic independence; in Lincoln bearing the burden of unsuccessful battles and holding back the sentiment for emancipation until the time was ripe for freedom; in Grant facing the popular clamor and vetoing inflation; and in Cleveland alienating his party while he persisted in as righteous and heroic a battle as was ever waged by a President.

Undoubtedly Mr. McCall's most important publication is his book on "The Business of Congress." This consists of a series of lectures delivered at Columbia University in the winter of 1908–09. To its preparation he brought an unusual equipment. Obviously such a book could be written only by one who had seen years of service in Congress. But in addition to his experience in the House, he was possessed of a wide knowledge of the history of parliamentary institutions in the two countries in which they

have been most fully developed, and a keen appreciation of the political principles on which representative government rests. The result is a book which is a real contribution to the science of politics. The first chapter contains a noteworthy argument on the use of the treaty-making power for purposes of legislation. In other chapters he recurs to the theme on which he has frequently spoken and written — the proper relation between the two branches of Congress and between Congress and the Executive. There is an illuminating exposition of the functions of the Speaker in the transaction of the business of the House wherein he shows that much of his power is derived from the fact that in becoming Speaker he does not lose his membership in the House, but retains all the rights possessed by other members. The last chapter of the book, which bears the caption "Results," is an impressive account of the outcome of representative institutions as seen in the working of the Government at Washington. It may be doubted whether any more thoughtful and weighty comment upon certain tendencies in American government has ever been written.

Mr. McCall has been the orator on many festival or commemorative occasions when fitness required scholarship and a gift of literary expres-

sion. He is a member of Phi Beta Kappa, and various chapters of that organization have turned to him for the annual address which is a fixed institution in the activities of that learned society. In 1904, when he delivered the oration before the Harvard Chapter of Phi Beta Kappa, he chose as his theme "The Newspaper Press." Few men in public life could have treated it so adequately, for he brought to it not only the results of his observation of the press as a factor in the formation of that public opinion upon which the action of a great democracy is based, but also his experience as the editor in chief of an important daily newspaper. The address is so closely knit that it inevitably suffers from condensation, but the following passages will convey some conception of its thought and form: —

Sydney Smith said that reputation is one of the prizes for which men contend, and therefore that praise should should not be given unless justly due. Praise should not be bestowed grudgingly when deserved, but it violates the inherent sense of justice to confer the palm not upon the swift runner but upon the laggard. I fancy no one would accuse our press as a whole with discrimination or even an attempt at a just holding of the scales. Gross exaggeration as a daily mental diet helps to engender a condition of mind in the American people which is only satisfied by the constant employment of superlatives — a condition which finds its con-

summate flowering-out in our national conventions, where to the incredible laudation of words is added a noisy powwow, running thirty minutes by the clock, from which nothing is lacking but enthusiasm and paint to make it a reproduction of the war-dance of the savage. Our newspapers alternate between violent eulogy and violent abuse. You may read the contemporary histories of the golden age of American eloquence or of the time when Gladstone, Peel, Disraeli, and Palmerston were contending for supremacy in the British Parliament, and you will find, if not always measured and temperate statement, at least the lineaments of the great actors retaining the appearance of real humanity. But living in an era of the headline and the limelight, newspapers speak of our war ministers often in terms that could not justly be applied to Stanton and Carnot; we have secretaries who eclipse Adams and Webster; and statesmen, who in former times were developed by a long discipline and training in their calling, now spring full-armed from the head of the appointing power. They will paint the war bantam as the eagle and drive the eagle from the sky. Charges of criminality will be leveled at large numbers of men in the mass and, by way of compensation, other men will be exalted to the heavens. Abuse, however, greatly predominates over commendation, especially in the treatment of agencies of government. To illustrate: There may be instances in recent years when a State Legislature has been spoken of by the newspapers in any other terms than of derision and contempt, but if so the instances are rare indeed. If the press is justified in the matter, one of two conclusions

follows, either that the American people are not far from being a corrupt people, or that they usually elect their worst men to public office. There has been a reversal of conditions since the first appearance of newspapers. Then the Government persecuted the press and now the press is apt to persecute the Government. Criticism, of course, only attains its object when it is discriminating and just. Unrestrained, furious, and unjust attack can in no sense be called criticism, but it is destructive of its ends. Since the public must see public officers chiefly through the press, it is necessary that it should be vigilant, sparing no wrongdoing wherever it may exist, but it is as necessary, too, that it should be just. Unsparing denunciation, particularly of representative bodies, has become a seated habit. The people come to recognize this habit of mind and are less influenced by it. Indeed, on more than one important occasion, when the press was united in support of a good political cause, it has gone down to defeat largely because the weight of its opinion had been impaired by its own intemperance.

But the real danger after all probably lies in the opposite direction. The press is more apt to combine with the Government, especially if it be a Government of the blessed paternalistic kind. Newspapers already are a species of monopoly. They are increasingly hard to set on foot. That fact is the prime cause of yellow journalism. Great sums of money legitimately expended are hardly adequate to establish a newspaper, and it becomes necessary in addition to employ the arts of the showman, the art of the pander, and to appeal to the

side of human nature most easily reached, which is the side of passion. With the present economic tendency continuing, the time is not far distant when it will be nearly as difficult to create a new newspaper as to create a new coal-mine. The great news centers are comparatively few, and so are the important newspapers. Combinations have already been made for the purpose of collecting news — combinations perfectly natural and highly beneficial to the public because they have tended to do away with the competition to tell the largest story, and they furnish us to-day with the greater part of the real news. The general tendency to combination, already at work in the newspaper field, will not need to proceed far before we shall have, if not a common ownership of newspapers, at least a "gentleman's agreement" or the "community of interest" plan, and we shall have our news "barons" as well as our steel and coal "barons." Great capitalists do not fancy agitation. They prefer to have things go along as they are. Being on the box-seat, they are willing to let well enough alone. And so there is a likelihood that there may be a new sort of partnership with the Government, not the kind of a partnership which existed until lately in Germany when policemen acted as editors-in-chief, putting the finishing touches upon editorials, and harmonizing everything with the Government's wishes, but a partnership of real interest where rich newspaper owners and the individuals controlling the Government will desire to "stand pat" and keep what they have. Then we should have the really strong newspapers smugly proclaiming to the multitude the freedom so full of blessings to themselves,

and the struggling, short-lived newspaper, wildly crying out for liberty, and smearing on the yellow in order to gain a living support. I imagine none of us, if we were there, would fancy either of these sorts of newspaper, but as between the sleek, thoroughly commercialized champion of privilege, trying to lead public opinion in the direction of its own interests, baffling justice in her eternal struggle to give one measure to all men, and the miserable starving yellow sheet, protesting against a system of government for the benefit of the few, I trust we should be with the yellow starveling.

At Tufts College in 1903 he again appeared as the Phi Beta Kappa orator, and spoke on the subject "The Scholar in Politics a Conservative," — an address which he later repeated in substance at the Louisiana State University. He deprecated the idea that education comes only from the schools, or that educated men constitute a separate class. But it was with the duty of educated men toward the public that he was concerned, and he argued that it was incumbent upon them particularly to preserve what had been won in the way of ordered liberty.

In despotic governments, which cherish the privileges of the few rather than the good of the many, the real scholar is usually radical. If he is honest he will likely incur ostracism or banishment in proclaiming the evils which he perceives. But in a democratic government, where there is substantial equality of political rights

and where the State may be embarked upon perilous enterprises with little knowledge, I think the highest function of the scholar is to be conservative. He will preserve the liberty which exists by preventing hazardous and doubtful experiments, and by preventing the excesses which are the common cause for superseding a democratic government by government of a more exclusive character. The American Constitution is not exactly what Macaulay characterized it, "all sail and no anchor," but it so readily permits motion that a conservative force becomes vitally important.

The spirit of the ideal citizen under a government like ours will be what Stevenson calls the "hope-starred, full-blooded spirit," at once aggressive and sane, which shows its exuberance rather in preserving and building up than in smashing the existing order. Assuming that our system of government is the justest yet discovered, that better than any other it gives to each individual the opportunity of self-development, this spirit will occupy itself in preserving our democracy from the peculiar evils to which democracy is liable, and, for the sake of preserving it, will batter down the palpable abuses which threaten the system. Do not imagine that an easy task. It will require almost the ferocity of spirit of rare Ben Jonson when he said: —

> "With an armed and resolved hand,
> I 'll strip the ragged follies of my time,
> Naked as at their birth. And with a whip of steel,
> Print wounding lashes in their iron ribs.
> I fear no mood, stampt in a private brow,
> When I am pleased t' unmask a public vice."

It was of this address that William James wrote:—

> It seems to me, both for form and matter, to belong to the very best type of oratory embodying political thought. Its wisdom is as deep as its epigrams are sharp; it is a memorable utterance, and I hope it may become classical.

How admirably Mr. McCall would have fulfilled the functions of historian had he chosen to devote himself to the interpretation of the past appears from his comment on John Brown's raid which forms part of his memorial address on Colonel Thomas Wentworth Higginson:—

> While Higginson was not disposed to shirk one particle of responsibility, it is clear that he did not understand the exact nature of the raid beforehand, as it was actually put into execution, and the same is doubtless true of most, if not all, of the other people in Massachusetts who were interested with him. So far as I have been able to learn, Higginson supposed that Brown intended to establish an underground railway, such as he had operated in Missouri, and that it was his object to free individual slaves, to conceal them in the Alleghany Mountains, and if necessary to defend their freedom. When it came time for Brown to put his plan into execution, with a remarkable aberration of judgment, he openly began war upon the National Government by capturing the arsenal at Harper's Ferry. Frederick Douglass attempted in vain to dissuade him

from the plan and give him sensible advice. The attack on the arsenal Douglass declared was an attack on the Federal Government and would array the whole country against him; it "was a perfect steel trap," Douglass said, and once within it, he would never be able to get out alive. The enterprise as Brown developed it was entirely impossible of success and resulted in the destruction of many lives, the first victim being an innocent free negro. Mr. Villard in his "Life" of Brown, in which he shows a remarkable desire to chronicle the exact facts, leaves little room for doubt, upon the material he has collected, as to the cause of Brown's extraordinary action. Mr. John M. Forbes, at whose house Brown once visited, spoke of the look of insanity in his "glittering gray-blue eyes." Brown's own personal history and that of his family would have made perfect the defense of insanity, if any additional evidence were needed to that which the character of the raid itself afforded. He certainly did not have the kind of responsibility that should have sent him to the scaffold. The undoubted effect of the raid was to produce a genuine alarm in the South. It is not so clear that it strengthened abolitionism in the North. At any rate, this much is true — that in the critical winter of 1860–61 the cause of abolitionism seemed to have less strength than it had ever had after it had become an established agitation. The most abhorrent compromises with slavery, such as had never been dreamed of by the Whigs, were passed through both Houses of Congress by the votes of the Republican members. As to one of the important counts in the indictment against Webster, his accept-

ance in the Compromise of 1850 of the proposition that certain Territories should be permitted to decide for themselves whether they would have slavery when they should be admitted to the Union — that was one of the mildest of the compromises offered and voted for by Republicans in Congress in the winter of 1860. Freedom was indeed brought about by a revolution, but it was not a revolution inaugurated by the enemies of slavery but by its friends. The force that won freedom was the force of law. We can all admire Brown's fervent zeal for freedom, but it would be very dangerous to sanction the methods which he employed. Slavery was a terrible thing, but in the opinion of men living to-day there are many other terrible things in society. Often real wrongs find shelter for a time under any system of government, as well as fancied wrongs, and often men whose minds dwell upon a single evil will come to think of it as the sum of all evil. Men have a laudable way of devising political inventions for making society better, if not perfect. These are somewhat like the inventions in the Patent Office, a very large proportion of which are ingenious but not practical, and it often happens that the less of real value a political or mechanical invention has the more it is believed to have by the man who possesses it or who is possessed by it. Some of these inventors are likely to take the law into their own hands, and, if they cannot do so peaceably, to employ violent methods to establish their reform. The true method of providing remedies under a government like ours is by a resolute and lawful agitation such as Garrison employed. Any other

principle than that would make violence the agency of reform, dynamite and the dagger would take the place of discussion, and government by law would cease to exist.

The most recent of his books is the series of lectures delivered at Yale University in 1915 and published under the title "The Liberty of Citizenship." The Dodge Lectureship at Yale has been held by many eminent men, among whom were President Taft, Lord Bryce, Justice Brewer, Justice Hughes, Secretary Root, Bishop Potter, President Hadley, and Governor Baldwin. This was a lofty succession, and when Mr. McCall undertook the duties of the lectureship he recurred to the theme which more than any other runs through the whole of his public career. He embodied in these lectures much that he had said on the same subject on other occasions, but the fundamental importance of the theme justifies the repetition. He feels that one of the greatest dangers which threaten American life to-day is the constant curtailment of individual freedom by unwise governmental restraint.

Those who confuse liberty with democracy are prone to decide that whatever fetters democracy may fasten upon man, he still remains free. But freedom to man in society consists in his right to use his faculties and to profit by their use, subject to the equal right of other men to do likewise, and it is the important function of

the State to restrain only such exercise of his faculties by man as may injure others. With this qualification freedom should be safeguarded, not merely because it is a right of the individual man, but because its enjoyment by developing enterprise has been the great agency in pushing forward civilization. And men should be permitted to build up their characters in the only way in which strong and robust characters can be built, not in the stifling hothouse of governmental restraint, but in the free and open fields played upon by the sunshine and beaten by winds and storms.

Dartmouth is perhaps the only American college which has felt justified in celebrating the centennial of the graduation of one of its alumni. The place of Daniel Webster in American history, his supereminent qualities as an orator, and his peculiar services to his *alma mater* made such a celebration as appropriate as it was unique. Of the other figures in American public life who were worthy of such a distinction, Washington and Franklin and Lincoln were not college men, and Hamilton's course at Columbia was abandoned at the outbreak of the Revolution. The invitation to Mr. McCall to deliver the commemorative oration was one of the most gratifying distinctions of his life. Webster had been one of the heroes of his boyhood, and his maturer years had found a solid basis for his youthful judgment. The address which he pre-

pared was therefore much more than a formal tribute to an eminent public man. There was a warmth of personal feeling in it which sets it apart from the usual commemorative oration.

One of its most beautiful passages pictures the orator:—

> The transcendently great orator, who has kindled his own time and nation to action, and who also speaks to foreign nations and to distant ages, must divide with great poets the affectionate homage of mankind. While the stirring history of the Greek people and its noble literature shall continue to have charm and interest for men, the wonderfully chiseled periods of Demosthenes and the simple yet lofty speech of Pericles will be no less immortal than the odes of Pindar or the tragedies of Sophocles or Æschylus. The light that glows upon the pages of Virgil shines with no brighter radiance than that seen in those glorious speeches with which Cicero moved that imperial race that dominated the world. The glowing oratory of Edmund Burke will live until sensibility to beauty and the generous love of liberty shall die. And I believe the words of Webster, nobly voicing the possibilities of a mighty nation as yet only dimly conscious of its destiny, will continue to roll on the ears of men while the nation he helped to fashion shall endure, or indeed while government founded upon popular freedom shall remain an instrument of civilization.

In 1913 Mr. McCall again paid tribute to the hero of his boyhood when he delivered the chief

address at the dedication of Webster's birthplace at Franklin, New Hampshire. In his concluding sentences he spoke with marked tenderness of Webster's character, and in a spirit of charity and justice and comprehensive recognition of his service in developing a sentiment of nationality, he weighed his faults against his great virtues:—

His faults were those of a great and lavish nature. If he sometimes forgot to pay his debts he often forgot to demand his own due. They said he was reckless in expense. But instead of squandering his substance at the gambling table according to the common vice among the statesmen of his day, his extravagance consisted in the generous entertainment of friends, in choice herds of cattle and in the dissipation shown in cultivated fields. If he put Story under tribute to serve him upon public questions, he himself would neglect the Senate and the courts and for nights and days watch by the bedside of a sick boy. His faults did not touch the integrity of his public character and were such as link him to our humanity. If he had been impeccable, incapable to err, with no trace about him of our human clay, a Titan in strength but with no touch of weakness, we should be dedicating to-day the birthplace, not of a man but of a god. A superb flower of our race, he was still a man and he is nearer to us because he was a man. Product of this soil and these mountain winds, of this sky, the sunshine of the summer and of the winter snows, the hardships of the frontier, the swift-moving currents of his country's life, the myriad accidents that envelop us

all, we reverently receive the gift and thank God to-day for Daniel Webster as he was. We who meet here may speak for the millions of our countrymen when we do this homage to his memory. We reverence the great lawyer, the peerless orator and the brilliant literary genius. But most of all we honor the memory of the statesman who kindled the spirit of nationality so that it burned into a flame, who broke through the strong bonds of sectionalism and taught men to regard their greater country, and whose splendid service in making his country what she is and what she may hope to be has won for this son of New Hampshire a lasting and a priceless fame.

The American people have been strangely neglectful of the fame of Alexander Hamilton. Whether because he was overshadowed by Washington; whether because he never came to the Presidency nor occupied a seat in either house of Congress; or whether because of the brevity of his life, the fact remains that it is only in comparatively recent years that he has been acknowledged as the most creative of our statesmen and the most brilliant intellect that ever appeared in American politics. Mr. McCall's address advocating the erection of a monument to Hamilton in the National Capital, while comparatively brief, is marked by incisive analysis and a clear comprehension of the functions of a statesman. Particularly happy is the perception of Hamilton's relation to Washington:—

The Man of Letters

In one respect no statesman was ever more fortunate than Hamilton. Probably he would have produced his financial and economic policies without the aid of Washington, but he never would have been able to put them into effect. Washington was the greatest man of his time. He has been surpassed by many other men in some single element of greatness. But there was never in any other man such a blending of great qualities, each in its due and exact proportions, and he had a regular and balanced genius that makes him unique among all figures of history. In the most trying times of peace and war he had revealed himself to his countrymen and they knew him as he was. Thus he had a degree of authority among masses of the people which was probably never attained by any other statesman. The policies of Hamilton were carried by the magic of Washington's name, and those policies were so out of touch with the ideas and passions of the times that even the influence of Washington was none too great. Washington knew Hamilton as only he could know one who, during long years of war, had held the most confidential place upon his staff. He knew Hamilton's strength and weakness. He knew how to direct and restrain him. His marvelous good sense could provide the needed touch to make the difference between success and failure. There were no two great men of history whose careers were more intimately blended. What a fortunate thing their union was for America. When we regard the one we are sure to think of the other. We look upon the grandeur of Washington's fame with the awe and reverence which a near approach to per-

fection inspires. We do not find in Hamilton that balanced greatness. But he had creative qualities in which he stands peerless among our statesmen. He survives to-day in the very structure and fiber of the Nation and of its Government. And his countrymen even yet feel the light and heat of his splendid genius.

At the dedication of a statue to General William F. Draper, distinguished for many inventions in connection with the development of the textile art, Mr. McCall said as to the place of invention in the long journey of mankind:—

Every faculty of man has been incredibly magnified by invention. He has been, as it were, created anew with superlatively greater powers. The distance between the naked human fist and the modern battleship as implements of warfare measures no greater progress than has been shown in those less destructive arts that minister to the well-being and comfort of man. The same contrast is seen between the unclad savage, feeding precariously upon the free fruits of the earth, wandering through his lifetime over the hills and fields where he was born, seeking shelter in caves and coping with the appalling difficulties about him with his unaided human strength, and the man of to-day, housed and clothed in comfort and luxury, his table spread with food from every clime, the pressure of whose finger may fill with light a great city, who may ride like Ariel "on the curl'd clouds," and whose very whisper may be heard a hundred leagues. As one of the results of invention, the wants of the human animal are multiplied by the

increased means of ministering to them, and man is made a vastly more complex, if not a better, being. Increased wants become necessities, and it may be that the struggle for existence, although with little of the hardship, is not less strenuous than in the primitive times. But undoubtedly the world is thus made a much greater, more complex and more interesting world to live in. . . .

It is of the very essence of civilization, therefore, to tempt man to conquer the unknown, to extend the boundaries of human knowledge and to widen the sway of the race, so that, if it may, it shall encompass the very stars.

When the mine yields such rich ore, the temptation to make further drafts upon it is great. Throughout Mr. McCall's speeches and writings are compact phrases which carry an argument in themselves. It is in one of his committee reports that the famous sentence "Freedom follows the flag" first made its appearance. "The little breed of noisy politicians who defame their own virtue by always vaunting it" vividly depicts a phase of human nature which is not confined to politicians. In a sober discussion of the tariff, he said: —

The payment of dividends upon issues of water and even of atmosphere has never yet been avowed to be one of the objects of protection.

The same paper is enlivened by these observations: —

Samuel W. McCall

The gentlemen who manage the Steel Trust do not take more than they can get; but they display the usual amount of human moderation, and get what they can. Being patriots, they could not be so treasonable and so untrue to the demands of good citizenship as to refuse what the law forced upon them.

Humor and imagination are happily combined in this picture: —

What is the central idea of citizenship? I have a notion that it is one of relation to others. No one can be a citizen all by himself. Robinson Crusoe may have been a sovereign, but a citizen he could not be. The conflicts between labor and capital that rent his little state were only such as swept across his own breast. Most envied of mortals, he could placidly monopolize any part of the trade and commerce upon his island without fear of being proceeded against under any Sherman Anti-Trust Law. He could follow his ancient habit of taking nine hours' sleep each night and not be stigmatized as a reactionary. Happy old citizen of the universe, hero of so many generations of youngsters of all ages, you and your mythical island have become objects of admiration and envy to old boys as well as young whose elbow room in this world is being painfully hedged in.

In sharp contrast with this is this picture which suggests the solemnity of a Greek tragedy: —

The baleful Goddess of Detraction sits ever at the elbow of Fame unsweetening what is written upon the record.

CHAPTER VIII

MR. McCALL

THE opinions of a statesman upon the public questions of his day and the measures which he has originated or supported are all an essential part of the record, but they tell little of the human personality which lies behind and of the man's intimate relations with his fellow men. Hence, the account of Mr. McCall's life as a public man should be supplemented by some impression of him as he appears in his family circle and among his friends.

The independence of mind which Mr. McCall has displayed by refusing on numerous occasions to follow his party has led to his being described as an insurgent — a term of such belligerent suggestion as to convey the impression of an antagonistic or pugnacious disposition. Nothing could be farther from the truth. He finds no satisfaction in disagreeing with men whom he admires and esteems. So far as in him lies he would be glad to live at peace with all men, but he is not willing to purchase peace by the sacrifice of his convictions. He does not welcome

differences, and when he finds himself in disagreement with those about him it is not his habit to give expression to his own opinion unless he feels that the occasion demands it. Even his family have sometimes been surprised to find, when they came to carry out a plan which had been discussed in his presence and from which he did not dissent, that all the while he had been silently disapproving. When he does express dissent, he avoids personal criticism. In debating public measures he addresses his discussion to the measure in hand and not to the men who may be opposed to his views. It is rarely that anything in the nature of a personality can be found in his speeches.

Mr. McCall's books and speeches supply abundant evidence of his scholarly tastes. As a student he received unusually thorough instruction in the classics, but unlike most college graduates he has taken pains to preserve and to extend his knowledge in that field. This is due partly to his fondness for the masterpieces of Greek and Roman literature and partly to his sense of the value of classical studies as a means of intellectual discipline. On his last trip to Europe he availed himself of the leisure afforded by the voyage to read the "Odyssey," and recent visitors to his office in the State

Photograph by Henry Havelock Pierce

MRS. SAMUEL W. McCALL

House in Boston could have seen a copy of it lying on his desk. His intimacy with Greek literature appeared in his farewell address to the House, the concluding words of which were a quotation from Euripides. As a young man he was fond of the novels of Björnson, and he is still devoted to Thackeray — particularly to "Pendennis," but he cares little for current fiction. His favorite reading is history and poetry, and in both these fields his knowledge is wide and exact. If one were to single out his favorite authors they would probably be Burke and Macaulay among prose writers, and Homer and Virgil, Shakespeare and Milton among the poets. His memory is well stored with striking passages which he has so well digested that he uses them in a debate or conversation as naturally and fitly as though he were their author. It could not be said of him as he said of Charles Sumner:—

> He read more than he assimilated. Whatever he read he did not digest and make his own, but simply transferred it from the book to his head, and when occasion called for its use it would come forth unaffected by its residence there.

Closely akin to Mr. McCall's appreciation of the masterpieces of literature is his sense of the ennobling influence of art upon life and of the contribution which beauty can make to the de-

velopment of the human spirit. When it was proposed in Congress that the national memorial to Lincoln should take the form of a Greek temple, the objection was made that such a structure would serve no useful purpose. To this Mr. McCall replied:—

I am entirely willing to rest under the scorn of gentlemen who think that we should put everything in life upon the basis of efficiency. I know there are men who would think it a mere waste of time to carve an Apollo or a Venus, when the same amount of labor might rear a hovel to shelter some human head; or who would regard the work of a painter, spending weary months of his life in putting immortal tints upon canvas, as a mere waste of time, when he might devote his energies to painting many buildings and preserving them against the weather. But I have myself no sympathy with this view. I not only do not regard it as waste to encourage those pursuits which aim to cultivate and satisfy our sense of beauty, but I believe they make an appeal which makes life richer and better for all of us. The notion of mere efficiency would cover this world of ours with concrete structures, built with the most nicely calculated strains, and would fill them up with human automatons, each devoted to his own narrow specialty, perhaps of making a boot-heel, and chased by fast-flying machinery all through the day. We might produce more under such a system, but the individual would be shrunk. It would make us a race of dwarfs, and our ores and coal, I believe, might better be per-

mitted to remain in the earth's untouched bosom. I would not have our country, when the final reckoning is to be made between her and other nations, have nothing to present but an abnormally developed efficiency, and have that put beside the painting, the sculpture, the literature, the music, the architecture, and those other consummate flowers of civilization which other nations would bring. I do not underestimate a highly developed industrial system, if only there should be the more developed also those higher and more artistic expressions of the aspirations of our race, which should be the choicest possession of every one of its children.

It was also said by way of objection that however beautiful a Greek temple might be in itself it was inappropriate as a memorial to Lincoln. In his reply to this contention Mr. McCall paid tribute to the surpassing artistic genius of the ancient Greeks and showed how their architectural forms might fittingly be used to commemorate the character of Lincoln: —

In whatever relates to artistic expression, whether in poetry, in eloquence, in sculpture, or in architecture, who is there in the world who can surpass the Greek? What more speaking marbles were ever carved than those of Phidias? What strains of poetry have ever broken with sweeter music on the human ear than those of Homer and of Pindar? Where else has eloquence reached the chiseled beauty of Demosthenes? And although but

few remnants of the architecture of the Greeks have survived the hand of the barbarian and the tooth of time, yet when we come in view of some fragments of them to-day, broken though they may be, and twenty centuries after their time, we stand before them enthralled in wonder. There is nothing more beautiful in architecture than the column of the Greek. . . . It illustrates dignity, beauty, simplicity, and strength. However the soul of Abraham Lincoln might have been chiseled in its shaping, as he came finally to be, every one of those elements was represented in his character.

Mr. McCall is an idealist in the sense that he has ideals and seeks to attain them. But he is not so visionary as to refuse to make any advance at all simply because he cannot advance as far as he would like. Lloyd George once declared that the chief part of the activity of every statesman consists in the arranging of compromises. In politics compromise is the price which must always be paid for any substantial achievement, and so long as the achievement is in harmony with justifiable principles compromise is legitimate and praiseworthy. But Mr. McCall has given abundant proof of his willingness to follow his convictions no matter at what consequence to himself. When he voted against the resolution which precipitated the war with Spain, he believed that his action would cost him his seat in Congress, and when he reached

home that night after the adjournment of the House he said to Mrs. McCall, " I have cut off my political head to-night."

It is one of the fortunate circumstances of Mr. McCall's life that in the impressionable years of his boyhood and youth he lived in two widely differing sections of the country, and thus acquired two points of view. Such an experience could not but tend to save him from a provinciality of which he might otherwise have been a victim, and it partly accounts for his ability to look at important questions from the standpoint of the country as a whole. It is natural, therefore, to find that he deprecates sectionalism. In 1893 he said in the House:—

> An attempt has been made in this debate to draw what is called the " color line,"and to stir up a sectional feeling. So far as my constituency or the Commonwealth of Massachusetts is concerned, I can say emphatically that there is nothing but the best of feeling towards the South. Our scholars study her history; they are sorry at her mistakes, while they regard her great deeds with pride as a part of the history of the same imperial race to which they belong. Her merchants and capitalists would find in the great natural wealth of the South an opportunity for that increase which Nature has denied them at their less favored home. They would be glad to witness the offspring of the happy union between the surplus wealth of one section and the abundant natural

resources of the other. Not less grateful to their eyes than to yours would be the spectacle of new temples of industry lifting their spires to the Southern sky, of your wonderful mineral wealth being unbarred to the sunlight of your fair slopes, "rich in crops and rich in heroes."

The one principle which more than any other has shaped Mr. McCall's public career is his devotion to liberty, — but not to liberty as a thing which the powers that be may grant or take away as they deem it expedient, but to liberty as a birthright equally sacred with life. The unrestrained freedom of his boyhood on the prairies of Illinois may have had something to do with his impatience with the multiplicity of statutes which threaten our liberty, and this impatience has found a more solid basis in his study of history and in his observation of the dwarfing effect produced upon individual character by an excess of govermental regulation.

As the youthful editor of a college paper he protested against the prevailing excess of legislation, and forty-two years later he returned to this theme, and with great amplification of detail he made it the subject of the Dodge lectures delivered at Yale University under the title "The Liberty of Citizenship," the central thought of which was expressed in this sentence: —

Mr. McCall

Let us regard it as one of the first duties of citizenship to aid in checking the rapidity and greed with which the laws are coming to devour liberty.

In thus emphasizing the idea of liberty, Mr. McCall has in mind the concrete and personal liberty of the individual rather than the nebulous liberty of the group to which the individual belongs. It is only by protecting the individual that the group can be protected. A free community in which the individual is not free is a contradiction in terms. The Roman conception of the relation of the individual to the state, so antagonistic to the history of freedom among men of English speech, receives no support from Mr. McCall.

When I speak of the individual, I mean the chief thing that is essential in the meaning of the term "the people." I do not accept the latter term in the sense in which it is so often sweetly used by those who desire our votes. I am unable to see how any good, coming to a mass of men, can be felt in any other way than by the individuals in the mass. And until somebody shall point out a higher consciousness than that of the individual man or woman or child, he can hardly be heard to deny that the individual man or woman or child is the ultimate concern of the state. . . .

The notion that there is a collective personality called "the people," separated from the individuals who compose it, and which may be used to oppress each one and

all of its component parts in turn, may well have been a conception of the Greek demagogues by whom it was so fittingly illustrated in practice. I cannot understand how there can be any freedom that is not in the last analysis individual freedom. However great a mass of men you may have in a nation, however powerful physically it may be, if each individual is the victim of oppression, if he is denied rights, if there is no forum open to him, where he can be heard to say against the majority, "this is mine" — then "the people" have no such thing as liberty, they have no such thing as popular rights. As to the "composite citizen," he obviously is nobody who ever has existed, or ever will exist. When the advocates of a reform, ignoring the man of flesh and blood in the street, are conducting it with reference to this mythical person, they should emigrate to Utopia.

Mr. McCall's life and thought are so permeated with the idea of liberty as a right inherent in every man as to make it inevitable that his relations with others should be characterized by great tolerance. Years ago Phillips Brooks answered the charge that tolerance in religion was only another name for indifference by showing that real tolerance can proceed only from conviction. Herein lies the explanation of Mr. McCall's tolerance of opinions and courses of action which are most repugnant to him. It proceeds from his recognition of liberty as a supreme human right. So sincere is his recognition of the right of every

man to be himself, so long as he does not interfere with a like right in others, that he instinctively puts all men upon an equal plane and approaches them without any assumption of superiority. And this is the basis of his democracy. To him democracy does not appear as a political theory based upon expediency, but as a right inherent in mankind. "The simple majesty of manhood" is a phrase which occurs in many of his speeches. One who regards manhood as majestic cannot be other than a firm believer in both liberty and democracy.

Somewhere Mr. McCall refers to Lincoln as an illustration of the "chivalry of democracy." This phrase goes far to explain Mr. McCall's political philosophy as well as his conception of the dignity of humanity. That democracy can be chivalrous will seem to many to be a contradiction in terms, while others, in spite of the present-day exaltation of Lincoln, will find it difficult to associate him with the mediæval knight whose lofty vows of devotion to

> Truthe and honour, freedom and curtesie

did not involve any idea of obligation to those who were not of gentle blood. Chivalry and democracy, however, have this much in common, — that they cherish ideals the mere profession of

which is an incentive to their attainment, and those ideals look to the protection of the weak and the restraint of the strong and the establishment of righteousness in the relations of men with one another. Both chivalry and democracy, in so far as they are a social philosophy, represent conceptions of service, — the former through the dedication of an individual to the protection of a class, the latter through the organized effort of the community to protect and cherish each of its members, and to open wide to all every door of opportunity. Mr. McCall's phrase was therefore not only a graceful tribute to Lincoln, but was a compact statement of the principle which justifies democracy, and which his own life so well exemplifies. At the beginning of his legislative career he was identified with such chivalrous and humanitarian measures as the abolition of imprisonment for debt, the protection of the wages of sailors, and the preservation of the purity of the ballot through the regulation of the use of money in elections. Later, as a member of Congress, he was actuated by the same chivalrous and humanitarian motives in proposing an amendment to the Federal Constitution authorizing Congress to regulate hours of labor, particularly of women and children, throughout the United States. And now, as Governor of Massachusetts, he is en-

gaged in the same chivalrous enterprise in his endeavor to obtain a revision of the constitution of the State, the protection of the poor against the exactions of loan sharks, and the limitation of the hours of labor in industries which are operated continuously.

Where snobbery is, there can be no true democracy. Men's position in the world will necessarily be helped or hindered by the environment into which they are born, but the worth of their achievements is not to be gauged by such an accident. Allusion has already been made to the fact that in Mr. McCall's first campaign for Congress his opponents made much of the circumstance that their candidate was a son of the great War Governor of Massachusetts, John A. Andrew. Mr. McCall reminded them that Governor Andrew came to Boston from Maine, a poor boy who had to fight his way without the help of family prestige, and that those who now sought to win votes for his son because of the achievements of the father represented the same social element against which Governor Andrew himself had to win his way. To advocate a man's election to office because his father had held a distinguished place was to revert, in Mr. McCall's judgment, to the very system which our ancestors came to this country to escape. Such an appli-

cation of heredity was repugnant to his idea of democracy.

A citizen of Boston prepared a "Literary History of America" in which he carefully recorded that Theodore Parker and William Lloyd Garrison "sprang from that lower class of New England which never intimately understood its social superiors"; that Benjamin Franklin "sprang from socially inconspicuous origin"; that "the lower class of New England produced Whittier"; that Thoreau's blood was "not of the socially distinguished kind"; that Irving "was of simple origin" and that "his family was in respectable trade"; and that Daniel Webster was the "son of a New Hampshire countryman" and "retained so many traces of his far from eminent New Hampshire origin" as to be less typical of the Boston orators than were some other men. As to this reproach against Webster Mr. McCall said: —

> It is hardly useful to turn to a doubtful past in order to learn of a known present, or to judge of a son whom we know well from a father of whom we know little. It it often more safe to judge of the ancestor from the descendant than of the descendant from the ancestor. I supposed that Daniel Webster had forever settled the essential character of the stock from which he sprang, just as the pure gold of Lincoln's character unerringly

points to a mine of unalloyed metal somewhere, if there is anything in the principles of heredity; and whether the mine is known or unknown, its gold will pass current even at the Boston mint.

His democracy has been expressed in his attitude toward legislation which discriminated between men before the law because of race or color. In an early debate on the merit system in the public service he said: —

The gentleman from Mississippi [Mr. Williams] complains that in his State there were actually in the postal service eleven colored people, or to use his forcible if not elegant language, "eleven ignorant niggers" in the State of Mississippi were employed in the Railway Mail Service.

To my mind one of the glories of this civil-service reform is that it does not regard a man's color, but that to rich and poor, to black and white, to high and low, it applies impartially the same test. It does not look to see what political boss is behind a man, or what pull he has, or what may be his circumstances in life, but it regards him and his qualifications, and aims to give him the place he is competent to fill.

In 1893, in discussing a bill which provided that in certain classes of cases the facts should be established "by at least one credible witness other than Chinese," he said: —

Truth knows no color. Let the court find it as best it may. It is a most heathenish principle to write in

our laws that our courts shall shut their eyes to facts because of a man's nationality or the color of his skin.

In the debate in the House, in 1911, on a resolution to abrogate our treaty with Russia because of discrimination against American citizens of Jewish descent, he said: —

My sympathies are with this brilliant race. Centuries ago its nationality was destroyed in Palestine. It was dispersed over the face of the globe. The laws of almost all nations have discriminated against it; and yet it has shown such marvelous vitality that it has made for itself a proud place. It is to-day one of the most powerful elements in great States in this Union. I should be willing to take any steps in reason to protect the rights of such a people.

While Mr. McCall was in Congress, he was not a frequent participant in the debates. Aside from the formal presentation of the reports of committees over which he presided, he seldom addressed the House, even briefly, more than a half-dozen times in any one session. Indeed, throughout one session when he was chairman of an investigating committee of the House, he did not take the floor at all. It was the high quality of his speeches, the thorough knowledge upon which they were based, the sound and independent judgment which they exhibited, as well as their eloquent and graceful language, which

gained public recognition. His speeches also are distinguished by the fact that they usually dealt with the fundamental. His discussions of public questions well exemplify Lord Macaulay's observation that in the administration of government there are two kinds of wisdom, — the highest wisdom which is conversant with great principles of political philosophy and a lower wisdom which meets daily exigencies by daily expedients. In his first speech on the tariff he examined the fundamental principle on which the whole policy of protection is based. In his discussion of the amendments made by the Senate to revenue bills sent to it from the House, he concerned himself less with the details of the amendments than with the constitutional right of the Senate to make any alterations which affected the fundamental character of the bill. In his view the power over revenue bills vested in the House by the Constitution was something more than a right to adopt an enacting clause to which the Senate might attach any sort of bill that it chose. Likewise, in the debates upon the Philippines, he emphasized less the transitory elements of the problem — the economic effect upon the United States, the expense which their possession would entail, the possible advantages to the Philippines — than the fundamental question as

to whether a country whose national existence is based upon the principle that all just government derives its powers from the consent of the governed, can be justified in imposing its rule upon an unwilling population. Throughout the debate upon the regulation of railway rates, he insisted that the question as to what is a reasonable rate is essentially a judicial question. The many decisions which have since been handed down to the effect that the rate decrees of a railway commission cannot be made final and that a carrier cannot be deprived of its right to a judicial review of the action of a commission, go far to sustain Mr. McCall's contention, while the incongruity of the Government's fixing the price of what the railways have to sell while it makes no attempt to fix the price of what they have to buy is forcing itself more and more upon the attention of students of the railway problem. It is this habit of exact analysis and of resolving a question into its fundamental elements which is Mr. McCall's most prominent characteristic as a debater.

An examination of his speeches in Congress will show that his discussions were usually confined to those questions the decision of which he felt was likely to affect our whole system of government. On the great mass of petty bills which

come before Congress he seldom had anything to say. He devoted himself to the study of such questions as free silver, the merit system of appointments, the policy of protection, imperialism, the regulation of railway rates, and the constitutional relations of the States with the Federal Government and of the various branches of the Government with one another. And he is carrying the same principle of selection into the discharge of his duties as Governor. Shortly before his inauguration, he said to a friend, "I don't want to be a mere routine Governor. I want to accomplish something substantial for the State."

Religion is often the key to much of a man's character, but if he is as little inclined as is Mr. McCall to speak of those things which concern himself most intimately, it is a phase of his life which is likely to be little known. So far as Mr. McCall's religion finds any outward expression, it is as a communicant of the Episcopal Church of which he and all his family are members. To his intimates it is apparent that the serenity of his spirit is largely due to an almost mystical confidence in the guidance of a power which shapes his life and brings to good result that which seemed at the time a defeat of his purpose. In his speeches and writings there are few sentences

of a distinctly religious character, but they are pervaded by a reverential tone which could only proceed from a deeply religious nature. Many of his discussions of public questions might well have had for their text, "Righteousness exalteth a nation." He is so impressed with the sacredness of democracy and the inalienable right of man to liberty that his pleas attain a solemnity comparable to Lincoln's Second Inaugural or to that of the Hebrew prophets or the Greek tragedians. Wherein such appeals to the highest emotions by which the conduct of man is influenced differ from appeals to religion it might be difficult to determine. The result is certainly much the same.

In Mr. McCall's library in Winchester there is a picture with an interesting history. When the treaty for the exclusion of the Chinese was pending before the Senate, Senator Hoar, to whom anything in the nature of racial discrimination before the law was abhorrent, vigorously opposed its ratification, but on the final vote, he found himself absolutely alone. He evidently felt the isolation of his position, and in reaching out for sympathy he instinctively turned to his colleague in the lower House. In the evening of the day that the treaty was ratified, the Senator's messenger appeared at Mr. McCall's home bearing

a beautiful engraving of Trumbull's well-known painting, "The Signing of the Declaration of Independence." On the margin was written, "The Hon. Samuel W. McCall, semper fidelis, with the affectionate regards of George F. Hoar."

THE END

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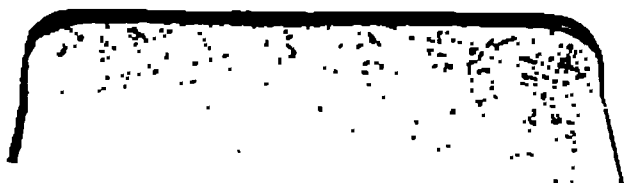
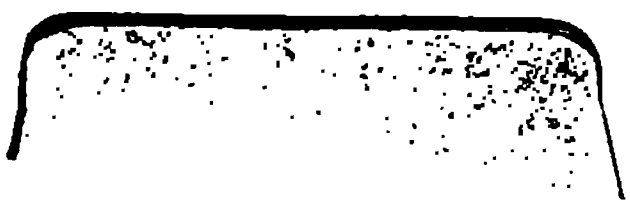
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